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TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the
 Federal Reserve System
 [Reg. F]

PART 206—TRUST POWERS OF NATIONAL BANKS

INTERPRETATION; AGGREGATE INVESTMENT IN COMMON TRUST FUND

§ 206.110 *Aggregate Investment in Common Trust Fund.* (a) The Board of Governors has been requested to interpret the following sentence of subparagraph (5) of § 206.17 (c):

No funds of any trust shall be invested in a participation in a Common Trust Fund if such investment would result in such trust having invested in the aggregate in the Common Trust Fund an amount in excess of 10 percent of the value of the assets of the Common Trust Fund at the time of investment, as determined by the trust investment committee, or the sum of \$100,000 whichever is less.

The specific question was whether (1) the actual amount previously invested in participations in the Common Trust Fund or (2) the present market value of such participations, should determine the amount of additional investments, if any, which may be made in such participations.

(b) It is the Board's view that under this language of this part the additional amount which a trust may invest in a Common Trust Fund is determined by the dollar amount which the trust actually invested in the participations which it now holds, rather than by the present market value of such participations. For example, if a total of \$75,000 was paid for units purchased for the trust on previous occasions, the amount which could now be invested would be \$25,000 (assuming that \$100,000 does not exceed 10 percent of the present value of the assets of the common trust fund), regardless of the present market value of the units already held by the trust.

(Sec. 11 (1), 38 Stat. 262; 12 U. S. C. 248 (1). Interprets or applies secs. 2-4, 24 Stat. 18,

19, sec. 1, 40 Stat. 1043, as amended, sec. 1, 44 Stat. 1225, as amended, sec. 11 (k), 38 Stat. 261, as amended, 53 Stat. 68, as amended; 12 U. S. C. 30-33, 34 (a), 248 (k), 26 U. S. C. 169)

BOARD OF GOVERNORS OF THE
 FEDERAL RESERVE SYSTEM,
 [SEAL] S. R. CARPENTER,
 Secretary.

[F. R. Doc. 53-9566; Filed, Nov. 12, 1953;
 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6036]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL BLIND INDUSTRIES, INC., ET AL.

Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 3.1513 *Operations generally*; § 3.1555 *Size, extent or equipment*. Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal*: § 3.2090 *Undertakings, in general*. Subpart—*Simulating competitor or another or product thereof*: § 3.2240 *Trade name of competitor or another*. Subpart—*Using misleading name*—Vendor: § 3.2385 *Identity*. In connection with the offering for sale, sale and distribution of house numbers, woven goods or any other products in commerce, (1) representing, directly or by implication, that respondents have facilities for training, or that they do train, blind persons; (2) representing, directly or by implication, that contributions received from the public will be used to train or rehabilitate the blind or otherwise used for the benefit of the blind; and (3) using as a part of respondents' corporate or trade name the words "National Blind Industries", or any other word or combination of words substantially similar to the name "National Industries for the Blind"; prohibited.

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- (For use during 1953)

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(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, National Blind Industries, Inc., et al., Washington, D. C., Docket 6036, October 20, 1953]

In the Matter of National Blind Industries, Inc., a Corporation, and Walter O. Ulrey, Frances D. Lehman, and David A. Ulrey, Individually and as Officers of National Blind Industries, Inc.

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, respondents' answers, and hearings at which testimony and other evidence, duly recorded and filed in the office of the Commission, in support of and in opposition to the allegations of the complaint, were introduced before said examiner, theretofore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, answer, testimony and other evidence and proposed findings as to the facts and conclusions submitted by counsel supporting the complaint and by certain of the respondents (oral arguments not having been requested); and said examiner, having duly considered the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,¹ conclusion drawn therefrom,¹ and order, including order to cease and desist and order of dismissal as to certain respondents.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on October 20, 1953.

Said order to cease and desist is as follows:

It is ordered, That respondent National Blind Industries, Inc., a corporation, and its officers, and respondent David A. Ulrey, individually and as an officer of said corporation, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of house numbers, woven goods or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents have facilities for training, or that they do train, blind persons.

2. Representing, directly or by implication, that contributions received from the public will be used to train or rehabilitate the blind or otherwise used for the benefit of the blind.

3. Using as a part of respondents' corporate or trade name the words "Na-

tional Blind Industries," or any other word or combination of words substantially similar to the name "National Industries for the Blind."

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondents Walter O. Ulrey and Frances D. Lehman.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6036, October 20, 1953, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents, National Blind Industries, Inc., a corporation, and David A. Ulrey, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 20, 1953.

By the Commission.

[SEAL] ALEX. AKERMAN, JR.,
Secretary.

[F. R. Doc. 53-9590; Filed, Nov. 12, 1953; 8:52 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes [T. D. 6051; Regs. 3]

PART 182—INDUSTRIAL ALCOHOL

COMPLETELY DENATURED ALCOHOL FORMULA; LAE; MISCELLANEOUS AMENDMENTS

The purpose of these amendments is to provide more flexibility in the selection of denaturants which may be authorized for use in Specially Denatured Alcohol Formula No. 29, by eliminating the restrictive requirement that any alternate denaturant must be a chemical produced from ethyl alcohol. The amendments will permit the use as denaturants of chemicals other than those produced from ethyl alcohol. These amendments are considered necessary since present authorized denaturants have been found unsatisfactory for modern chemical manufacturing processes. Accordingly, the Appendix to Regulations 3, "Industrial Alcohol" (26 CFR Part 182; 7 F. R. 1858), as amended, is hereby amended as follows:

PARAGRAPH 1. The composition of Specially Denatured Alcohol Formula No. 29 is amended to read as follows:

To every 100 gallons of ethyl alcohol add: One gallon of 100 percent acetaldehyde or 5 gallons of an alcoholic solution of acetaldehyde containing not less than 20 percent acetaldehyde, or not less than 1 part by weight if solid, or volume if liquid, of any chemical that meets with the approval of the Commissioner.

This formula is restricted to processes where the alcohol loses its identity as alcohol by being converted into other chemicals. Where it is desired to use any chemicals other than acetaldehyde or an alcoholic solution of acetaldehyde for Formula No. 29, the use of such chemicals shall be subject to

approval by the Commissioner as to kind and amount required.

PAR. 2. The specifications for denaturant Ethylamines, listed immediately following the specifications for Ethyl Acetate in the "Specifications for Denaturants in Specially Denatured Alcohol," are revoked.

PAR. 3. The specifications for denaturant Ethyl Propionate, listed immediately following the specifications for Ethyl Ether in the "Specifications for Denaturants in Specially Denatured Alcohol," are revoked.

PAR. 4. The list "Denaturants Authorized for Completely and Specially Denatured Alcohol," is amended by striking therefrom the following:

Ethyl propionate..... S. D. 29
Ethylamines..... S. D. 29

The provisions of these amendments are not to be construed as restricting the use of alternate denaturants such as "GC-78," and "GC-79," which have been previously authorized.

(53 Stat. 375; 26 U. S. C. 3176. Interprets or applies 53 Stat. 355, 358, 373, as amended; 26 U. S. C. 3070, 3105, 3170)

Because the amendments made by this Treasury decision are of a liberalizing character, it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4 (c) of said act.

This Treasury decision shall be effective upon its publication in the FEDERAL REGISTER.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

OCTOBER 9, 1953.

Approved: November 6, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-9588; Filed, Nov. 12, 1953; 8:51 a. m.]

[T. D. 6050; Regs. 10]

PART 185—WAREHOUSING OF DISTILLED SPIRITS

APPROVAL OF ALTERNATE OPERATIONS OF A BOTTLING-IN-BOND DEPARTMENT AS A TAXPAID BOTTLING HOUSE

In order that the storekeeper-gauger in charge of an internal revenue bonded warehouse, in lieu of the Assistant Regional Commissioner, may approve the alternate operation of the bottling-in-bond department of such warehouse as a taxpaid bottling house, Regulations 10 (26 CFR Part 185) are amended as follows:

PARAGRAPH 1. Section 185.270 is amended as follows:

(A) By inserting immediately after the words "taxpaid bottling house" in the proviso of the first sentence, the following: "is for a period of twenty-four hours, or multiples thereof, concurrent with the calendar day, or days, as the case may be, and".

¹ Filed as part of the original document.

(B) By striking the word "district supervisor" in the two places they appear in the last sentence and inserting in lieu thereof in the first instance "Assistant Regional Commissioner" and in the second instance "storekeeper-gauger in charge of the warehouse".

PAR. 2. Section 185.271 is amended by striking the words "district supervisor" and inserting in lieu thereof "storekeeper-gauger in charge of the warehouse".

PAR. 3. Section 185.272 is amended as follows:

(A) By striking the words "district supervisor" in the first sentence of paragraph (a) and inserting in lieu thereof "storekeeper-gauger in charge of the warehouse".

(B) By amending the second sentence of paragraph (a) which begins "The form shall" to read as follows: "The form shall be executed in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part."

(C) By inserting after the second sentence of paragraph (a) the following new sentence: "Upon approval of Form 404, the storekeeper-gauger in charge will forward the original copy to the Assistant Regional Commissioner, deliver one copy to the proprietor and retain the remaining copy for his files."

PAR. 4. Section 185.273 is amended as follows:

(A) By striking the words "district supervisor" in the first sentence of paragraph (a) and inserting in lieu thereof "storekeeper-gauger in charge of the warehouse".

(B) By amending the second sentence of paragraph (a) which begins "The form shall" to read as follows: "The form shall be executed in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part."

(C) By inserting after the second sentence of paragraph (a) the following new sentence: "Upon approval of Form 404, the storekeeper-gauger in charge will forward the original copy to the Assistant Regional Commissioner, deliver one copy to the proprietor and retain the remaining copy for his files."

(53 Stat. 375; 26 U. S. C. 3176)

Because the changes made are of an administrative character, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4 (c) of said act.

This Treasury decision shall be effective upon the date of publication in the **FEDERAL REGISTER**.

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner
of Internal Revenue.

Approved: November 6, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-9589; Filed, Nov. 12, 1953;
8:51 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

ALBEMARLE SOUND, PAMLICO SOUND AND ADJACENT WATERS, NORTH CAROLINA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.54 establishing and governing the use and navigation of danger zones for naval aircraft operations in Albemarle Sound, Pamlico Sound, and adjacent waters, North Carolina, is hereby amended, as follows:

§ 204.54 *Albemarle Sound, Pamlico Sound and adjacent waters, N. C.; danger zones for naval operations.* * * *

(b) *Target and bombing areas—(1) Along north shore of Albemarle Sound—*

(i) *Western area.* Beginning at a point on the north shore of Albemarle Sound where the eastern highway bridge intersects the shore at Sandy Point; thence southerly along the eastern side of the bridge to the northern end of the draw; thence northeasterly to latitude 36°02'18", longitude 76°19'30"; thence northwesterly to latitude 36°04'18", longitude 76°20'20"; thence 23°15' true to the shore; and thence southwesterly along the shore and across the mouth of Yeopim River, to the point of beginning.

(ii) *Eastern area.* Beginning on the north shore of Albemarle Sound at the easternmost tip of Harvey Point; thence southeasterly to Perquimans Bluff Flats Buoy; thence southeasterly to latitude 36°03'06", longitude 76°16'43"; thence southwesterly to latitude 36°02'18", longitude 76°19'30"; thence northwesterly to latitude 36°04'18", longitude 76°20'20"; thence 23°15' true to the shore; and thence northeasterly along the shore to the point of beginning.

(2) *Along south shore of Albemarle Sound; Target and bombing area.* Beginning at the northernmost point of Laurel Point; thence to Laurel Point Light; thence to latitude 36°02'40", longitude 76°04'26"; thence to Lewis Point; thence westerly along the shore to a point bearing 68°, 2,200 yards from Scuppernon River Entrance Light; thence 263°, to the shore south of Bull Creek entrance; thence northerly along the shore and across the entrance to Bull Creek to the point of beginning; excluding from this area a passage 600 yards in width the center line of which extends due north from Scuppernon River Entrance Light.

(d) *The regulations.* * * *

(2) *Target and bombing areas.* The areas described in paragraph (b) (1) (i) and (2) of this section will be used as target and bombing areas by naval aircraft during daylight only. The area described in paragraph (b) (1) (ii) of

this section will be used as a target and bombing area for both day and night operations. No use will be made of these areas for target and bombing operations during the period 30 days prior to and during the annual duck hunting season as established by the State of North Carolina. Dummy ammunition, water-filled and smoke bombs will be used, except during wartime when live ammunition and bombs may be used. The areas will be open to navigation, except for brief periods when target and bombing exercises are being conducted by naval aircraft. The areas will be patrolled and vessels shall clear the area under patrol upon being warned by the surface patrol craft or when "buzzed" by patrolling aircraft. No vessel shall enter the areas described in paragraph (b) (1) (i) and (2) of this section until the surface patrol craft and patrol aircraft leave the area or areas. As a further means of warning vessels of naval aircraft operations in the area described in paragraph (b) (1) (ii) of this section a cluster of flashing red lights at night and a large red flag by day will be displayed from the range observation tower located in the approximate center of the shore side of this area. No vessel shall enter the area until the surface patrol craft and patrol aircraft leave the area and the tower signals are discontinued.

[Regs., October 21, 1953, 800.2121 (Albemarle Sound, N. C.)—ENGWO] (40 Stat. 266, 292; 33 U. S. C. 1, 3)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-9587; Filed, Nov. 12, 1953;
8:51 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 24—SANITATION, HEALTH, AND QUARANTINE

DESIGNATION OF COUNTRIES WHERE FOOT-AND-MOUTH DISEASE OR RINDERPEST EXISTS; IMPORTATIONS PROHIBITED

Pursuant to the authority vested in the Governor by Rule 119qq of Executive Order No. 4314 of September 25, 1925, as amended by Canal Zone Order No. 15 of July 15, 1948 (35 CFR 24.102), § 24.102a, as amended by Governor's regulations of October 14, 1952, 17 F. R. 10559, and October 15, 1953, is hereby further amended by adding the Channel Islands and the Island of Martinique to, and deleting Canada, Island of Jersey, and Norway from, the list of designated countries in which it is determined that foot-and-mouth disease or rinderpest exists.

(Sec. 1, 39 Stat. 527, as amended; 2 C. Z. Code 371, 372, 48 U. S. C. 1310)

Issued at Balboa Heights, Canal Zone, October 30, 1953.

[SEAL] J. S. SEYBOLD,
Governor.

[F. R. Doc. 53-9572; Filed, Nov. 12, 1953;
8:49 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 221—TIMBER

MISCELLANEOUS AMENDMENTS

Sections 221.5, 221.6, 221.7, 221.9, 221.11 to 221.19 inclusive, and 221.29, Part 221, Chapter II, Title 36, Code of Federal Regulations, are superseded by the following regulations, effective upon publication in the FEDERAL REGISTER.

Explanatory notes. In this document the following changes are made:

1. Section 221.5: Changes "agreement" to "contract."

2. Section 221.6: Changes "agreements" to "contracts."

3. Section 221.7: The title of this section is changed from *Reappraisals* to *Rate redetermination* because this term more clearly expresses what is done.

Redetermination of rates for required deposits is added because there may be need to adjust such rates at time of rate redetermination to reflect current requirements for sale area betterment and slash disposal.

The term "chiefly for pulpwood" is eliminated in the last clause of the first sentence. This change will authorize a maximum period of ten years before rate redetermination for all classes of large sales in Alaska which require installation of extensive manufacturing facilities. Such provision is needed to obtain advances in utilization of sawlogs as well as for the installation of pulp mills.

4. Section 221.9: Changes "agreement" to "contract."

5. Section 221.11: Changes "agreement" to "contract."

6. Section 221.12: Changes "appraised value" to "advertised value" to clarify the section.

7. Section 221.13: Changes "agreement" to "contract."

8. Section 221.14: Changes "agreement" to "contract."

9. Section 221.15: Changes "agreement" to "contract" and adds to the approved list of log rules a decimalized version of the International $\frac{1}{4}$ " log rule. Decimalized log rules conserve scaling time without sacrifice in accuracy when a substantial quantity of logs are scaled.

10. Section 221.16: Section restated to clarify conditions under which rights of third parties in a timber sale contract may be recognized by the Forest Service.

11. Section 221.17: Changes "agreements" to "contracts."

12. Section 221.18: Changes "agreement" to "contract."

13. Section 221.19: Changes "agreement" to "contract."

14. Section 221.29: Changes "agreement" to "contract."

§ 221.5 *Where timber may be cut.* (a) The cutting of timber may be authorized as prescribed by regulation, under sale, permit, or otherwise on any vacant national forest land whether reserved from the public domain, purchased, acquired by exchange, donated, or transferred from other Federal

Agencies, or on land administered by the Forest Service under an authorization for the application to it of the regulations for the occupancy and use of the national forests, except for:

(1) Timber reserved by a grantor of land, during the life of such reservation.

(2) Timber reserved from disposal under other regulations.

(3) Timber on valid claims which were located or entered prior to:

(i) The first publication of the notice of sale.

(ii) The execution of the sale contract or approval of permit for timber where disposal is without publication of notice.

(iii) The signing by the Secretary of Agriculture of a recommendation to the Secretary of the Interior for an exchange in which timber on the area is to be given to the proponent.

(iv) The first publication of a notice of hearing under the provisions of § 221.4 on a cooperative or Federal sustained yield unit including the area.

(b) No person shall prevent or interfere with the cutting and removal of timber under any sale, permit, grant, contract, or establishment of a sustained yield unit because of a location or entry made subsequent to authorized actions for timber disposal.

(c) Timber on any unperfected claim may be disposed of with the written consent of the claimant, or, in emergencies arising from insect infestations, disease infections, or rapid deterioration of timber killed or dying from fire or other causes, without the consent of the claimant.

(d) Timber on an unperfected mining or homestead claim may be cut by the claimant for the actual development of the claim or for uses consistent with the purposes for which the claim was entered. All other cutting by or under authority of the claimant is prohibited on such claims except as may be authorized by sale, permit, or grant in exchange for land.

(e) Timber on unapproved selections or other lands of unsettled status may be sold, in emergencies to prevent serious loss, upon submission of a bond by the operator to pay a stipulated price for the timber cut if title is not perfected adversely to the United States within a specified period, or if the claim of title thereto adverse to the United States is determined to be invalid.

(f) With prior approval by the Regional Forester timber on lands under option by the United States or on offered lands included in an approved land exchange agreement may be sold. Before the sale is made, a cooperative agreement must be made with the owner of the land authorizing the Forest Service to conduct the sale and providing for return of stumpage receipts to the owner if title to the land is not accepted by the United States.

§ 221.6 *Authorization to make sales.* (a) The Chief, Forest Service, is authorized to make timber sales for any amount on any national forest, subject to the maximum cut fixed in accordance with established policies for management of the national forests. He may delegate this authority for amounts not

exceeding, in any one sale, 50 million feet board measure, or the equivalent thereof, to Regional Foresters, and the latter may authorize subordinates to make sales not exceeding, in any one sale, 10 million feet board measure or the equivalent. All supervisors and forest officers in charge of Research Centers may make sales of not exceeding \$2,000 in value without special authorization and may delegate this authority to subordinate officers.

(b) The Chief, Forest Service, after approval of conditions of sale, may authorize Regional Foresters formally to approve timber sale contracts and related papers in sales exceeding the volume which the Regional Forester has been authorized to sell.

§ 221.7 *Rate redetermination.* All sale contracts exceeding five years in duration, and those of shorter duration to the extent found desirable by the officer authorizing the sale, will provide for the redetermination of rates for stumpage and for required deposits, at intervals ordinarily of not more than three years, and of not more than five years in any case, exclusive of any period allowed for the construction of improvements; but contracts for large sales in Alaska, involving installation of extensive manufacturing facilities may provide that the first redetermination of rates and deposits will be made after not more than ten years, exclusive of any period allowed for the construction of improvements. No redetermined stumpage price shall be less than the base price determined in the original appraisal.

§ 221.9 *Emergency sales.* (a) Timber may be sold in amounts exceeding \$2,000 in value in advance of advertisement in cases of unusual emergency. Emergency sale contracts will require that the purchaser bid for the entire offering at not less than the appraised value, and pay for all timber cut under the emergency contract at the rate or rates of the highest bona fide bid submitted.

(b) An unusual emergency exists if the applicant is in immediate need of timber for his own use or to meet urgent public needs, or to maintain opportunities for gainful employment in the locality, or if immediate cutting is necessary because of rapid deterioration of the timber. Emergency sale contracts will be approved by the officer having authority to approve sales of the total quantity being advertised, but Regional Foresters may require advance submission to them of all proposals to make emergency sales.

§ 221.11 *Financial standing of applicant or bidder.* When necessary in the judgment of the approving officer, any applicant or bidder may be required to submit, before expense is incurred in acting on the application or before award is made in response to a bid, a satisfactory showing of financial ability and bidder may be required to show that he has or can obtain equipment and supplies suitable for logging and manufacturing the timber and for meeting the fire precautionary terms of the contract.

§ 221.12 *Private sales of advertised timber.* Forest Officers may sell, within their authorization, any timber previously advertised for competitive bids but not sold because of lack of satisfactory bids, without further advertisement, at not less than the advertised value.

§ 221.13 *Payment in advance of cutting; refunds and transfers.* (a) Timber and forest products must be paid for in advance of cutting under any sale contract or sale permit. Sums deposited in excess of amounts found to be due the United States may be refunded to original depositors, their local representatives, or to successors in interest.

(b) Transfer of deposits may be made from one transaction to another of the same purchaser, or from the credit of the original depositor to a successor in interest, with the written consent of the original depositor or his legal representative.

§ 221.14 *Bonds.* The officer approving any timber sale contract may require the purchaser to furnish a performance bond for satisfactory compliance with its terms.

§ 221.15 *Administration of sales.* (a) No live timber shall be cut under any timber sale contract or permit until marked or otherwise designated for cutting by a forest officer.

(b) The volume of national forest timber in a sale may be determined by scaling, measuring, or counting the logs or other products, or by measuring the trees before cutting. If the contract or permit provides for the determination of volume by tree measurement and the timber has been paid for, the marking or otherwise designating of the tree authorizes cutting and removal. Otherwise no timber cut under any contract shall be removed from the place designated until it has been scaled, measured, or counted by a forest officer, unless such removal is specifically authorized in the contract.

(c) No person except a forest officer shall stamp any timber belonging to the United States upon a national forest with the official marking ax or any instrument having a similar design, or otherwise mark or designate such timber for cutting or removal.

(d) National forest timber sold on scale shall be scaled by the Scribner Decimal C Log Rule, or if the advertisement and contract or permit so state, by the International 1/4 inch log rule, by the International Decimal 1/4 inch log rule, or by the cubic volume rule, each as used by the Forest Service.

§ 221.16 *Modifications of contract and performance by third party.* (a) Timber sale contracts may be modified only when the modification will apply to unexecuted portions of the contract and will not be injurious to the United States. Modifications permitted by this section may be made by the officer approving the sale, by his successor, or by his superior.

(b) No agreement permitting a third party to acquire the rights of a purchaser under a timber sale contract may be recognized and approved by the Forest Service except in writing signed by the officer approving the sale, his successor, or superior officer. Such ap-

proval shall not relieve the purchaser of his responsibilities or liabilities under the timber sale contract and may be given only if (1) the third party is acceptable to the Forest Service as a purchaser of timber under the conditions and requirements then in effect for similar timber sales and assumes in writing all of the obligations to the Forest Service under the terms of the timber sale contract as to the uncompleted portion thereof, or (2) the rights are acquired in trust as security and subject to such conditions as may be necessary for the protection of the public interests.

§ 221.17 *Cancellation of contracts.* (a) Timber sale contracts may be canceled:

(1) For serious or continued violation of their terms.

(2) Upon application, or with the consent of, the purchaser, when such action is of advantage to the United States or not prejudicial to its interests.

(3) Upon application of the purchaser if the condition of the timber has changed materially due to some cause, such as a forest fire or insect infestation, for which the purchaser is not responsible.

(b) Cancellation will be by the Chief, Forest Service, if the amount of the sale exceeded the Regional Forester's authorization and by the Regional Forester in all other cases.

§ 221.18 *Breach of contract.* Action for breach of contract may be brought for violations of the sale contract or where damages to the United States from violation of the contract cannot be recovered otherwise. Such action will be brought only with the approval of the Chief, Forest Service.

§ 221.19 *Sales of naval stores cuppage.* (a) So far as applicable, the regulations governing timber sales will be followed in sales of naval stores cuppage.

(b) The Chief, Forest Service, is authorized to make such sales for any amount on any national forest in accordance with established policies for management of the national forests and to delegate this authority for amounts not exceeding 200,000 cups in any one sale to Regional Foresters. Regional Foresters may delegate this authority to supervisors for amounts not exceeding 40,000 cups, in any one sale.

(c) The Chief may authorize Regional Foresters to formally approve naval stores contracts and related papers in sales exceeding 200,000 cups, in which the conditions of sale have been previously approved by him. Emergency sales will not be made.

§ 221.29 *Timber settlement.* (a) Permission may be granted to cut, damage, or destroy national forest timber without advertisement when necessary for the occupancy of a right-of-way or other authorized use of national forest land.

(b) Payment will be required at the appraised market value of the timber, subject to a minimum rate equivalent to the estimated cost of administration except:

(1) For timber the logging and sale of which are impracticable but which is necessarily killed or cut but not used by any permittee.

(2) For timber necessarily killed or cut in connection with land uses which are of benefit to the national forests.

(3) For timber necessarily killed or cut and used by the permittee which would have been granted free under other applicable regulations.

(4) For timber which will be cut by the permittee who cannot utilize the material, but which the forest officer can sell, under contract or permit, to another party.

(Sec. 1, 30 Stat. 35, as amended; 16 U. S. C. 476, 551. Interpret or apply sec. 1, 33 Stat. 628, 34 Stat. 1270, as amended; 16 U. S. C. 472, 499.)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 9th day of November 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-9576; Filed: Nov. 12, 1953; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

FILING OF DEFECTIVE APPLICATIONS

1. The Commission desires to amend § 1.361 of its rules, which governs the filing of defective applications.

2. Paragraph (c) of that section now permits the filing of an application not "in accordance with the Commission's Rules" if it is accompanied by either a petition to amend or a request for waiver of the conflicting rule. It is the Commission's opinion that this provision should be revised so as to preclude the filing of applications in conflict with the rules even though accompanied by petitions for appropriate rule making. It is believed such a revision will promote more orderly procedure and particularly will eliminate the pendency before the Commission of applications which cannot be acted upon for extended periods because of their interrelation with complex, unresolved rule making proceedings.

3. It is believed desirable at this time to clear up an ambiguity which may exist with respect to this provision. It is applicable only to applications which, because of the nature of the particular rule involved, can be patently seen to be in conflict with the rule (e. g., minimum mileage separation requirements for television stations, limitation on the number of stations to be commonly owned—see In the Matter of the Application of WSTV, Inc., 8 Pike & Fischer, R. R. 854, 9 Pike & Fischer, R. R. 175.) Where the conflict can be determined only after a hearing evaluating various pertinent factors, this procedural provision is inapplicable. (See In the Matter of Application of WIS-TV Corporation, 9 Pike & Fischer, R. R. 361, 607.) It is proposed to amend paragraph (c) so that this distinction is clearly made.

4. The revised paragraph will read as follows:

(c) Applications which, because of the nature of the particular rule, regulation, or requirement involved, are patently not in accordance with the Commission's rules, regulations, or other requirements will be considered defective and will be dismissed unless accompanied by a request of the applicant for waiver of, or exception to, any rule, regulation, or requirement with which the application is in conflict. Such requests shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.^{6a}

5. Authority for the adoption of this amendment is contained in sections 4 (i), 4 (j), and 303 (r) of the Communications Act of 1934, as amended.

6. In view of the fact that the amendment adopted herein is procedural in nature, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendment may become effective immediately.

7. It is ordered, This 5th day of November, 1953, that, effective upon publi-

cation in the FEDERAL REGISTER, § 1.361 of the Commission's rules is amended as set forth herein.

(Secs. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 6, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-9599; Filed, Nov. 12, 1953;
8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 906]

[Docket No. AO 210-A5]

MILK IN TULSA-MUSKOGEE, OKLA., MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Auditorium, Agricultural Building, 15th and Quebec, Tulsa, Oklahoma, beginning at 10:00 a. m., c. s. t., November 17, 1953, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area, were proposed as enumerated below:

Proposed by Pure Milk Producers Association of Tulsa:

1. Delete paragraph (c) of § 906.80 and substitute therefor the following:

(c) On or before the 13th and 27th day of each month the cooperative as-

sociation which so requests, with respect to producers for whose milk the cooperative association is authorized to collect payment (this authorization to collect payment to be determined by the market administrator), an amount to be equal to the gross sum of the individual payment to the cooperative association for its members' deliveries determined pursuant to paragraphs (a) and (c), respectively, of this section.

2. Delete § 906.31 and substitute therefor the following:

§ 906.31 *Report of payments to non-member producers and to a cooperative association and its members' deliveries.* On or before the 20th day of each month each handler should submit to the market administrator (a) a report of payment to a cooperative association for its members' deliveries, showing the total pounds of milk and the total pounds of butterfat received from such producers, and the gross amount paid to the cooperative association for its members' deliveries for the preceding month, and (b) producer payroll of nonmember producers for deliveries of the preceding month which shall show (1) the total pounds of milk received from each nonmember producer, the total pounds of butterfat contained in such milk, and the number of days on which milk was received from such producers, including for the months of April through June such producer deliveries of base and excess milk; (2) the amount of payment to each nonmember producer; and (3) the nature and amount of any deduction for charges involved in such payments.

3. Amend § 906.32 by adding the following as paragraph (a) and redesignating the present paragraph (a) as paragraph (b) and the present paragraph (b) as paragraph (c):

(a) Each handler shall submit to a cooperative association for its member-producers the following:

(1) On or before the 25th day of each month a report showing the total pounds of milk received from each such member-producer during the first 15 days of the current month and on or before the 10th day of each month a report for the preceding month which shall show (i) the total pounds of milk received from each such member-producer; (ii) the total pounds of butterfat contained in

such member-producers' milk; (iii) the number of days on which milk was received from each such member-producer, including for the months of April through June such member-producer deliveries of base and excess milk.

By the Dairy Branch, Production and Marketing Administration:

4. Make such changes as may be required to make the order in its entirety conform with any amendment thereto which may result from this hearing.

Copies of this notice of hearing, and the order now in effect, may be procured from the Market Administrator, 2635 East 11th Street, Royal Theatre Building, Tulsa 4, Oklahoma, or the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: November 10, 1953.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator.

[F. R. Doc. 53-9642; Filed, Nov. 12, 1953;
8:52 a. m.]

[7 CFR Part 914]

HANDLING OF NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1953-54 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Navel Orange Administrative Committee, established under Marketing Agreement No. 117 and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed \$151,937.50 will be necessarily incurred during the period October 1, 1953, through October 31, 1954, for the maintenance and functioning of the committee established under the aforesaid marketing agreement and order, and (2) that the Secretary of Ag-

^{6a} This paragraph shall not apply to applications filed prior to its effective date (November 13, 1953); such applications, which could be accepted for filing even though patently not in accordance with the Commission's rules, regulations, or other requirements if accompanied by an appropriate rule-making petition, will remain on file.

riculture fix, as the share of such expenses which each handler who first handles oranges shall pay during the fiscal year in accordance with the aforesaid marketing agreement and order, the rate of assessment of \$0.0125 per box of oranges handled by such handler as the first handler thereof during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "handle," "handler," "oranges," "fiscal year" and "box" shall have the same meaning as is given to each such term in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued this 6th day of November 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 53-9577; Filed, Nov. 12, 1953;
8:49 a. m.]

17 CFR Part 722

1954 CROP OF EXTRA LONG STAPLE COTTON NOTICE OF PROPOSED FORMULATION OF MAR- KETING QUOTA REGULATIONS RELATING TO APPORTIONMENT OF NATIONAL ACRE- AGE ALLOTMENT TO STATES, COUNTIES, AND FARMS

The Secretary of Agriculture has proclaimed a national marketing quota and a national acreage allotment for the 1954 crop of extra long staple cotton (18 F. R. 6557). Pursuant to provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1393), the Secretary now has under consideration the formulation of regulations pertaining to apportionment of the national acreage allotment among the States (including Puerto Rico) producing extra long staple cotton, apportionment of the State acreage allotments among counties, and the establishment of farm acreage allotments, and other provisions relating to the operation of marketing quotas. There appear below the provisions of the regulations being considered for issuance. Prior to issuing the proposed regulations, consideration will be given to any data, views, and recommendations pertaining to such regulations which are submitted in writing to the Director, Cotton Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., within 10 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

The provisions of the proposed regulations are as follows:

§ 722.1111 *Basis and purpose.* The provisions of §§ 722.1111 to 722.1128 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of acreage allotments and marketing quotas for the 1954 crop of extra long staple cotton. The latest available statistics of the Federal Government have been used in making the determinations required to be made in connection with §§ 722.1111 to 722.1128.

§ 722.1112 *Definitions.* As used in §§ 722.1112 to 722.1128 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(b) "Secretary" means the Secretary, or Acting Secretary, of Agriculture of the United States.

(c) "Assistant Administrator" means the Assistant Administrator for Production, or Acting Assistant Administrator for Production, of the Production and Marketing Administration of the United States Department of Agriculture.

(d) "Director" means the Director, or Acting Director, of the Cotton Branch, Production and Marketing Administration, United States Department of Agriculture.

(e) "Committees": (1) "Community committee" means the persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Production and Marketing Administration county and community committees (14 F. R. 5916).

(2) "County committee" means the persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Production and Marketing Administration county and community committees (14 F. R. 5916). In Puerto Rico the PMA Caribbean Area Committee shall, insofar as applicable, perform all functions of the county committee.

(3) "State committee" means the persons designated by the Secretary as the State committee of the Production and Marketing Administration. In Puerto Rico the PMA Caribbean Area Committee shall, insofar as applicable, perform all functions of the State committee.

(4) "Review committee" means the review committee appointed by the Secretary as provided in section 363 of the act.

(f) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or State or agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(g) "Owner" or "landlord" means a person who owns farm land and rents

such land to another person or who operates such land.

(h) "Cash tenant", "standing-rent tenant", "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(i) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(j) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(k) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(l) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Assistant Administrator, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(m) "Farm acreage allotment" means an acreage allotment established for extra long staple cotton for a farm under the regulations in this subpart.

(n) "Extra long staple cotton" means American-Egyptian, Sea Island and Sea Island cotton, including all varieties of the Barbedense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominate.

(o) "State and county code number" means the applicable number assigned by the Production and Marketing Administration to each State and county for the purpose of identification. In Puerto Rico a comparable identifying number will be used in place of the county code number.

(p) "Serial number of the farm" or "farm serial number" means the serial number assigned to a farm by the county committee.

(q) "Old cotton farm" means a farm having an acreage planted to extra long staple cotton in any one or more of the years 1951, 1952, and 1953.

(r) "New cotton farm" means a farm on which extra long staple cotton is to be planted in 1954 but on which there

was no acreage planted to such cotton in any of the years 1951, 1952, or 1953.

(s) "Normal yield" means the average yield of extra long staple lint cotton per acre for the farm, adjusted for abnormal weather conditions, during the five calendar years 1947, 1948, 1950, 1951, and 1952. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised in accordance with instructions issued by the Assistant Administrator, taking into consideration abnormal weather conditions, the normal yield, if any, for the county, and the yield in years for which data are available.

(t) "Normal production" of any number of acres means the normal yield per acre of extra long staple lint cotton for the farm multiplied by such number of acres.

(u) "Actual yield" means the pounds of extra long staple lint cotton per acre determined by dividing the number of pounds of such lint cotton produced on the farm in 1954 by the acreage planted to such cotton on the farm in 1954.

(v) "Actual production" of any number of acres means the actual yield of extra long staple lint cotton per acre for the farm multiplied by such number of acres.

(w) "Producer" means a person who as landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper is entitled to all or a share of the 1954 crop of extra long staple cotton or of the proceeds thereof.

(x) "Acreage planted to extra long staple cotton: (1) *State and county.* The acreages of extra long staple cotton to be used in establishing State acreage allotments are the official acreages for the years 1947, 1948, 1950, 1951, and 1952, as determined by the Bureau of Agricultural Economics of the United States Department of Agriculture. Official estimates of planted acreages shall be used where available from the Bureau of Agricultural Economics; in other cases, the official estimates of the acreages in cultivation on July 1 of each year shall be used.

(2) *Farm.* For purposes of establishing farm acreage allotments for the 1954 crop of extra long staple cotton, the acreage planted to such cotton on a farm means the acreage of land seeded to such cotton. The acreage seeded to extra long staple cotton for the years 1951 to 1953, inclusive, shall be determined as follows:

(i) *For 1951 and 1952.* The acreage measured by the county committee or reported to the county committee for the farm, with such adjustments in the reported acreages as are necessary under instructions issued by the Assistant Administrator. The sum of the reported acreages as adjusted by the county committee plus the measured acreages shall conform with the official planted acreages of the Bureau of Agricultural Economics, United States Department of Agriculture, for the respective years to the extent required under instructions issued by the Assistant Administrator.

(ii) *For 1953.* The acreage measured by the county committee in accordance with instructions issued by the Assistant Administrator.

(y) "Abnormal weather conditions" means weather conditions (including conditions directly resulting therefrom) adversely affecting the planting of cotton, which conditions must have been of sufficient duration to make it impractical to seed land to cotton and must have continued until the end of the planting season for the area. In apportioning the national acreage allotment to States, the Secretary shall make such adjustments in State extra long staple cotton acreages affected by abnormal weather conditions as he determines are necessary. In apportioning the State acreage allotment to counties, adjustments in county acreages of extra long staple cotton for abnormal weather conditions shall be made for applicable years where recommended by the State committee and approved by the Secretary. Any such adjustment in State or county acreages of extra long staple cotton shall be the amount which can be established by reference to available information and data as the net reduction of planted acreage in the State or county attributable solely to abnormal weather conditions. Adjustments for abnormal weather conditions shall take into consideration failure to seed extra long staple cotton because of abnormal weather conditions. Also, in cases where the acreage of extra long staple cotton in cultivation July 1 is used in apportioning allotments to States and counties, abandonment of extra long staple cotton prior to July 1 in excess of normal abandonment by that date because of abnormal weather conditions shall be taken in consideration in determining adjustments, if any, in county acreages of extra long staple cotton for these years.

(z) "Cropland" means the land which in 1953 was tilled or was in regular rotation as determined in accordance with instructions issued by the State committee, excluding any land which constitutes or will constitute, if such tillage is continued, a wind-erosion hazard to the community and also excluding bearing orchards and vineyards (except the acreage of cropland therein) and plowable non-crop open pasture.

§ 722.1113 *Issuance of forms and instructions.* The Director shall cause to be prepared such forms and instructions as are necessary for carrying out the regulations in §§ 722.1111 to 722.1128. The forms shall be issued by the Director, with the approval of the Assistant Administrator, and the instructions shall be issued by the Assistant Administrator. Copies of such forms and necessary instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or the Director.

§ 722.1114 *Extent of calculations and rule of fractions.* The acreage planted to extra long staple cotton on farms and farm acreage allotments shall be rounded to the nearest one-tenth acre.

Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of fifty-thousandths of an acre or less shall be dropped. For example, 10.051 would be 10.1 and 10.050 would be 10.0.

STATE AND COUNTY ACREAGE ALLOTMENTS

§ 722.1115 *Apportionment of national acreage allotment among States.* The national acreage allotment proclaimed by the Secretary for the 1954 crop of extra long staple cotton shall be apportioned among the States (including Puerto Rico) on the basis of the acreage planted to extra long staple cotton in such States for the years 1947, 1948, 1950, 1951, and 1952, with adjustments for abnormal weather conditions during such years. The acreage allotted to a State pursuant to the provisions of this section is herein referred to as the "State acreage allotment."

§ 722.1116 *Apportionment of State acreage allotment among counties—(a) Computed county acreage allotments.* The State acreage allotment for the 1954 crop of extra long staple cotton, less the State acreage reserve established pursuant to paragraph (b) of this section, shall be apportioned to Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz and Yuma Counties, Arizona, and Imperial and Riverside Counties, California, and Alachua, Columbia, Hamilton, Jefferson, Lake, Madison, Marion, Orange, Putnam, Seminole, Suwannee, Union and Volusia Counties, Florida, and Atkinson, Berrien, Cook and Lanier Counties, Georgia, and Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero and Sierra Counties, New Mexico, and the counties in Puerto Rico, and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell and Ward Counties, Texas, on the basis of the acreage planted to extra long staple cotton in 1947, 1948, 1950, 1951, and 1952 (herein referred to as the "base years"), with adjustments for abnormal weather conditions during such years. The acreage allotted to a county pursuant to the provisions of this paragraph is herein referred to as the "computed county acreage allotment". The cotton producing areas located in the northern part of Puerto Rico shall be considered as a county and the cotton producing areas in the southern part of Puerto Rico shall be considered as a county.

(b) *State acreage reserve.* The State committee shall set aside a total State acreage reserve of 10 percent of the State acreage allotment unless, on the basis of the needs of the State as determined under each of the subparagraphs of this paragraph, the State committee recommends a smaller reserve and the Administrator of the Production and Marketing Administration approves such recommendation. The State acreage reserve needs for the purposes set forth in subparagraphs (1) through (4) of this paragraph shall be determined and the acreage so reserved shall be used in accordance with instructions issued by the Assistant Administrator.

(1) *To adjust computed county acreage allotments for trends in the acreage of extra long staple cotton in the county.* The State committee shall, if necessary, use a part of the State acreage reserve to adjust the computed county acreage allotments for trends in the acreage of extra long staple cotton in the county during recent years, excluding 1949. Any such adjustment shall be determined by use of a formula, if needed, applied uniformly to each county in the State.

(2) *To adjust computed county acreage allotments for counties adversely affected by abnormal conditions affecting plantings of extra long staple cotton.* The State committee shall, if necessary, use a part of the State acreage reserve to adjust the computed county acreage allotments for abnormal conditions adversely affecting plantings in the county during the base years. The State committee shall examine the acreage planted to extra long staple cotton for each of the base years to determine whether the acreage planted may have been adversely affected by abnormal conditions. In determining the needs for adjustments for abnormal conditions adversely affecting plantings, the State committee shall take into account (i) abnormal weather conditions adversely affecting plantings during any of the base years; (ii) conditions in counties in which a number of farms are being returned to cotton production or are increasing the acreage in cotton after having been out of production or having been on a reduced level of cotton production because such farms were used to a larger extent than normal in connection with air bases, defense plants and other wartime activities; (iii) abnormal reduction in planted cotton acreage because of an unusual movement of labor from farms in the area or county to war industries or into the armed forces and its return, as compared with such movements in other counties; and (iv) any other abnormal conditions which adversely affected plantings in the county to a greater extent as compared with other counties.

(3) *To make adjustments in acreage allotments for small farms.* The State committee shall determine the acreage required from the State acreage reserve to supplement that part of the county acreage reserve established as provided for in subparagraphs (1) and (2) of § 722.1117 (d) to adjust indicated farm acreage allotments established under § 722.1117 (b) at 15 acres or less. The acreage made available to any county under this subparagraph shall be used by the county committee only for small farm allotments.

(4) *To establish 1954 acreage allotments for new cotton farms.* Where the State committee determines that the needs for acreage to establish acreage allotments for new cotton farms are generally uniform throughout the State, the State committee shall determine whether all the acreage required to establish acreage allotments for new cotton farms shall be provided from the State acreage reserve or the county acreage reserve, or from both such reserves. In determining the source of acreage for new cotton farms the State committee

shall take into consideration the acreage requirements determined for such farms from the county surveys, if available, as provided for in § 722.1117 (d) (3). In States where new areas within the counties designated in this section will be brought into the production of extra long staple cotton in 1954, the State committee shall consider establishing an acreage from the State acreage reserve to supplement the acreage set aside by the county committee, if any, from the county acreage reserve for establishing acreage allotments for new cotton farms. The acreage made available to any county under this subparagraph shall be used by the county committee only for new cotton farms.

(c) *Availability of data for inspection.* The following shall be on file and shall be available in the office of the State committee for examination by any interested producer of extra long staple cotton:

(1) The amount of the State acreage reserve;

(2) The formula, if any, and data developed and used under subparagraphs (1) and (2) of paragraph (b) of this section; and

(3) The total acreage set aside from the State acreage reserve for the purposes set forth in subparagraphs (3) and (4) of paragraph (b) of this section.

(d) *County acreage allotment.* The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (a) of this section, and (2) the acreage from the State acreage reserve which are added to the computed county acreage allotment under subparagraphs (1) and (2) of paragraph (b) of this section.

(e) *Administrative areas.* If the county committee with the approval of the State committee, or if the State committee, determines with respect to a county that, because of the difference in types, kinds, and productivity of the soil or other conditions, different areas of the county should be treated separately in order to prevent discrimination, each such area shall, in accordance with instructions issued by the Assistant Administrator, be designated as an administrative area and, insofar as practicable, each such area shall be treated as a county in establishing farm acreage allotments under § 722.1117. The computed county acreage allotment determined under paragraph (a) of this section shall be apportioned to administrative areas on the same basis as to years as that used in apportioning the State acreage allotment to counties, with adjustments for trends in acreage and for abnormal conditions adversely affecting plantings in such areas in the same manner as provided in subparagraphs (1) and (2) of paragraph (b) of this section for counties.

ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS

§ 722.1117 *Apportionment of county acreage allotment.*—(a) *Determination of adjusted cropland.* The county committee shall, in accordance with instructions issued by the Assistant Administrator, determine an adjusted cropland acreage for each old cotton farm by sub-

tracting from the acreage of land on the farm which in 1953 was tilled annually or in regular rotation, the sum of the following acreages:

(1) The 1953 acreage of sugarcane for sugar or for syrup and sugar beets for sugar;

(2) The 1953 acreage of tobacco for market (or the 1953 farm acreage allotment, if any, for the applicable type of tobacco if the 1953 acreage has not been determined);

(3) The 1953 acreage of peanuts picked and threshed as determined by the county committee;

(4) The acreage of wheat for harvest in 1954 for market or for feeding to livestock for market (or the 1954 farm acreage allotment for wheat if the wheat acreage has not been determined);

(5) The acreage planted to rice in 1953 for market or for feeding to livestock for market, plus the acreage of other riceland on the farm for which water is available and which is not used for the production of extra long staple cotton under the rotation system for the farm;

(6) The acreage of land devoted in 1953 primarily to orchards or vineyards, less the acreage therein which qualifies as cropland for 1954; and

(7) In Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz and Yuma Counties, Arizona, and in Imperial and Riverside Counties, California, and in Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero and Sierra Counties, New Mexico, and in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell and Ward Counties, Texas, the acreage of cropland in excess of that acreage for which irrigation water is normally available and adequate from available facilities for the production of irrigated crops during the producing season for extra long staple cotton (seeding to maturity).

(b) *Determination of county acreage reserve.* The county committee shall establish a county acreage reserve of not in excess of 15 percent of the county acreage allotment which shall be used to adjust indicated farm acreage allotments determined under paragraph (c) of this section and to establish acreage allotments for new cotton farms under paragraph (d) (3) (ii) of this section. The county acreage reserve shall not be less than 13 percent of the county acreage allotment unless the county committee recommends a smaller acreage reserve and the State committee gives its approval in accordance with instructions issued by the Assistant Administrator. Any approval of a smaller acreage reserve shall be based upon a showing by the county committee that the recommended acreage is adequate to make necessary adjustments in indicated allotments for old cotton farms and to establish allotments for new cotton farms considering all the factors set forth in paragraph (d) of this section.

(c) *Indicated acreage allotments for old cotton farms.* The county acreage allotment, less the county acreage reserve, shall be used to determine indicated allotments for old cotton farms as follows:

(1) *Determination of county cropland factors.* The first county cropland factor shall be computed by dividing the county acreage allotment (less the county acreage reserve) by the total of the adjusted cropland acreages on old cotton farms. Second and additional county cropland factors shall be determined, if necessary, by dividing (i) the available county acreage allotment remaining after maximum indicated farm acreage allotments as defined in subparagraph (2) of this paragraph have been established by (ii) the total of the adjusted cropland acreages for old cotton farms in the county which under the preceding factor were not affected by the maximum allotment provisions. The last county cropland factor computed and applied shall be referred to herein as the "final county cropland factor".

(2) *Indicated farm acreage allotment.* An indicated acreage allotment shall be computed for each old cotton farm by multiplying the adjusted cropland for each such farm by the applicable county cropland factor except that the maximum indicated acreage allotment for any such farm shall not exceed the highest acreage planted to extra long staple cotton on the farm in any of the years 1951, 1952, or 1953.

(d) *Use of county acreage reserve.* The county acreage reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm acreage allotments of 5 to 15 acres.* Not less than 20 percent of the county acreage reserve shall, to the extent required, be used by the county committee to adjust indicated farm acreage allotments of 5 to 15 acres, inclusive, determined under paragraph (c) of this section. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the acreages planted to extra long staple cotton in 1951, 1952, and 1953, the land, labor, and equipment available for the production of extra long staple cotton, crop-rotation practices, the soil and other physical facilities affecting the production of extra long staple cotton, and abnormal conditions of production. The county committee shall not make adjustments so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage which could be planted on the farm in 1954 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause extra long staple cotton to be planted on land unsuited to the production of such cotton.

(2) *Adjustments in indicated acreage allotments for other farms.* The remainder of the acreage in the county acreage reserve, after meeting the requirements under subparagraphs (1) and (3) of this paragraph, shall be used by the county committee to adjust indicated acreage allotments for farms which are less than 5 acres or more than 15 acres. Such adjustments shall be made so as to establish acreage allot-

ments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the land, labor, and equipment available for the production of extra long staple cotton, crop-rotation practices, the soil and other physical facilities affecting the production of extra long staple cotton, and abnormal conditions of production. The acreages planted to extra long staple cotton on a farm in 1951, 1952, and 1953 shall be considered in determining the land, labor, and equipment available for the production of such cotton and in connection with crop-rotation practices followed on the farm. The county committee shall not make adjustments so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage which could be planted on the farm in 1954 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause extra long staple cotton to be planted on land unsuited for the production of such crop.

(3) *Acreage allotments for new cotton farms.*—(i) *Determination of county acreage needed for establishing acreage allotments for new cotton farms.* The county committee with the assistance of the community committees shall estimate from county office records and other available sources of information the number of new cotton farms in the county and the adjusted cropland acreage for such farms. The data obtained from such surveys shall be used by the State and county committees as a basis for determining the acreage that will be required for establishing acreage allotments for new cotton farms. The acreage so determined shall not exceed 75 percent of the acreage determined by multiplying the county cropland factor, which shall be estimated where necessary, by the total estimated adjusted cropland acreage on new cotton farms in the county. In determining the acreage to be set aside from the county acreage reserve for establishing acreage allotments for new cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State acreage reserve pursuant to paragraph (b) (4) of § 722.1116 for establishing acreage allotments for new cotton farms.

(ii) *Establishment of acreage allotments for new cotton farms.* The operator of each new cotton farm shall file with the county committee a written application requesting a cotton acreage allotment for such farm by not later than the closing date established by the State committee which shall not be earlier than January 15, 1954. The county committee shall determine the eligibility of each applicant's farm for an extra long staple cotton acreage allotment. If the applicant's farm is eligible for an extra long staple cotton acreage allotment, such allotment shall be established by the committee on the basis of land, labor, and equipment available for the production of extra

long staple cotton, crop-rotation practices, the soil and other physical facilities affecting the production of extra long staple cotton. The acreage allotment so determined for any such farm shall not exceed the acreage allotment established for old cotton farms in the county which are similar with respect to such factors. The acreage allotments for new cotton farms shall be subject to review and approval by the State committee.

(e) *Use of acreage allocated to county from State acreage reserve for making adjustments in acreage allotments for small farms.* The acreage allocated to a county from the State acreage reserve for making adjustments in acreage allotments for small farms shall be used to adjust indicated farm acreage allotments of 15 acres and less on the basis of the factors set forth in paragraph (d) of this section for adjusting small farm allotments.

(f) *Availability of reserves for inspection by interested cotton producers.* The allocations to the county from the State acreage reserve and the total amount and the distribution of the county acreage reserve and all other data used in establishing farm acreage allotments shall be available in the office of the county committee for examination by any interested cotton producer.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.1118 *Notice of farm acreage allotment and marketing quota.* Immediately upon establishing farm acreage allotments for farms in a county or other local administrative area, the county committee shall mail to the operator of each such farm a written notice of the farm acreage allotment and marketing quota for the farm. The county committee shall also mail to the operator of (1) each new cotton farm for which application for an allotment is made but for which it is determined that no farm acreage allotment and marketing quota will be established and (2) each farm for which no acreage data for extra long staple cotton was reported pursuant to § 722.1124 and the county committee has no basis which appears to be reliable for appraising data for the farm but the county committee believes extra long staple cotton was planted on the farm in one or more of the years 1951, 1952 or 1953, a similar written notice showing "none" as the acreage allotment and marketing quota established for the farm. The notice shall contain at or near the top thereof the following statement: "To all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which this acreage allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. A copy of each notice, containing a notation thereon of the date of mailing the notice to the operator of the farm, shall be kept among the permanent records of the county committee, and upon request a

copy thereof, duly certified as a true and correct copy, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the extra long staple cotton produced in 1954 on the farm for which the notice is given. Insofar as practicable, the notice for each old cotton farm shall be prepared and mailed to the operator so as to be received prior to December 15, 1953, the date on which the referendum to determine whether farmers producing extra long staple cotton favor or oppose marketing quotas for the 1954 crop will be held.

§ 722.1119 *Amount of the farm marketing quota.* The farm marketing quota for any farm for the 1954 crop of extra long staple cotton shall be the actual production of extra long staple lint cotton for the acreage planted to such cotton on the farm less the farm marketing excess.

§ 722.1120 *Amount of the farm marketing excess—(a) Where the acreage planted to extra long staple cotton is determined.* The farm marketing excess for the 1954 crop of extra long staple cotton shall be the normal production of the acreage of such cotton on the farm in excess of the farm acreage allotment. Where it is established by any producer on the farm in connection with an application filed by him or by any other producer on the farm in accordance with regulations to be issued under this part by the Secretary, that the normal production of the excess acreage is larger than the amount by which the actual production of extra long staple cotton in 1954 on the farm exceeds the normal production of the farm acreage allotment, the farm marketing excess shall be adjusted downward to the smaller amount.

(b) *Where the acreage planted to cotton is not determined.* Whenever the determination of the acreage planted to extra long staple cotton in excess of the farm acreage allotment is prevented by the farm operator, the farm marketing excess shall be the total number of pounds of such cotton produced in 1954 on the farm. In the event the farm operator or any other producer on the farm establishes in accordance with regulations to be issued under this part by the Secretary, the total number of pounds of extra long staple cotton produced in 1954 on the farm, the farm marketing excess shall be the number of pounds of such cotton produced in 1954 on the farm in excess of the normal production of the farm acreage allotment.

(c) *Acreage planted on farms without an allotment.* If extra long staple cotton is grown in 1954 on any farm outside the area designated in § 722.1116, or if extra long staple cotton is grown in 1954 on a farm which is located within the area so designated but which does not have an allotment for extra long staple cotton, the farm marketing excess for the 1954 crop of extra long staple cotton shall be the normal production of the acreage of such cotton on the farm where it is established by any producer on the farm in connection with an appli-

cation filed by him or by any other producer on the farm in accordance with regulations to be issued under this part by the Secretary, that the normal production of the acreage planted to extra long staple cotton exceeds the actual production of such cotton on the farm in 1954, the farm marketing excess shall be adjusted downward to the smaller amount.

§ 722.1121 *Publication of farm acreage allotments and marketing quotas.* One copy of each notice of the farm acreage allotment and marketing quota for farms in a county shall be placed in binders or folders, or in lieu thereof a listing of such allotments shall be prepared, and such notices or listing shall be kept freely available in the office of the county committee for public inspection. If the county is divided into administrative areas, separate binders, folders, or listings shall be prepared and made available for inspection for each administrative area.

§ 722.1122 *Successors - in - interest.* Any person who succeeds to the interest of a producer in a farm, or in a crop of extra long staple cotton, or in extra long staple cotton for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of extra long staple cotton.

§ 722.1123 *Marketing quotas not transferable.* A farm marketing quota is established for a farm and may not be assigned or otherwise transferred in whole or in part to any other farm.

MISCELLANEOUS PROVISIONS

§ 722.1124 *Report of data and information for old cotton farms.* The owner, operator, or any other interested person shall furnish the county committee of the county in which the farm is located the data and information required to be entered on Form CN-364 (1953), "Farm Acreage Report", a copy of which may be obtained from the county committee of any county in which extra long staple cotton is grown or from the State committee. The county committee, with the assistance of the community committee, shall, insofar as possible, appraise and otherwise determine the required data and information for any farm for which such report on Form CN-364 (1953) is not filed by a person having an interest in the farm, using for such appraisals and determinations the records of the county office for the farm and other farms in the community and other available information.

§ 722.1125 *Acreage planted to extra long staple cotton—(a) Adjustment of acreage planted in excess of farm acreage allotment.* If the acreage determined to be planted to extra long staple cotton on a farm in 1954 is in excess of the farm acreage allotment, the farm operator may, not later than a date established under instructions issued by the Assistant Administrator, adjust such planted acreage to the farm acreage

allotment. The date established under such instructions shall afford farm operators a reasonable time for making such adjustments.

(b) *Underplanting the farm acreage allotment.* For any farm on which extra long staple cotton is planted in 1954 and the acreage of such cotton in 1954 is less than the farm acreage allotment for the 1954 crop of such cotton by not more than the larger of 10 percent of the allotment or one acre, an acreage equal to the farm acreage allotment shall be deemed to be the acreage planted to extra long staple cotton on the farm in 1954, and the additional acreage added to the acreage history for extra long staple cotton for the farm shall be added to the acreage history for such cotton for the county and State.

(c) *No credit for overplanting the farm acreage allotment.* Any acreage planted to extra long staple cotton in 1954 in excess of the farm acreage allotment for the 1954 crop of such cotton shall not be taken into account in establishing State, county, and farm acreage allotments for the 1955 and subsequent crops of extra long staple cotton.

§ 722.1126 *Availability of records.* The State and county committee shall make available for inspection by owners or operators of farms receiving acreage allotments for extra long staple cotton, all records pertaining to such cotton acreage allotments and marketing quotas.

§ 722.1127 *Approval of county committee determinations and redelegation of authority by the State committee—*

(a) *Approval of county committee determinations.* The State committee shall review all acreage allotments and may correct or require correction of any determinations made under §§ 722.1117 to 722.1125. All acreage allotments shall be approved by the State committee and no official notice of acreage allotment and marketing quota shall be mailed to a farm operator until such allotment has been approved by the State committee.

(b) *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 722.1111 to 722.1128 may be redelegated by the State committee.

REVIEW OF QUOTAS

§ 722.1128 *Review of quotas—(a) Review committees.* Any producer who is dissatisfied with the farm acreage allotment or marketing quota established for his farm, or in the case of a new cotton farm with the action of the county committee in refusing to establish a farm acreage allotment or marketing quota for such farm, may, by making application within 15 days after the mailing directly to him of the notice provided for in § 722.1118, have such allotment, quota, or determination reviewed by a review committee composed of three farmers appointed by the Secretary. The review committee shall, upon proper application, review the action of the county committee. The review committee in determining any farm acreage allotment or marketing quota shall, to the same

extent as the county committee, be limited to the establishment of a farm acreage allotment or marketing quota in an amount which, under the Act and regulations, should have been established. Unless such application is made within 15 days, the original determination of the farm acreage allotment or marketing quota shall be final. All applications for review shall be made in accordance with the Marketing Quota Review Regulations issued by the Secretary.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

Issued at Washington, D. C., this 9th day of November 1953.

[SEAL] M. B. BRASWELL,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 53-9573; Filed, Nov. 12, 1953; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 91]

[Ex Parte No. 179]

RULES AND INSTRUCTIONS FOR INSPECTION AND TESTING OF MULTIPLE UNIT EQUIPMENT

NOTICE OF PROPOSED RULE MAKING

OCTOBER 23, 1953.

Investigation will be conducted by the Commission in the above-entitled proceeding.

Nature of investigation. The investigation is for the purpose of determining what rules and instructions should be prescribed for the inspection and testing of electrically operated units designed to carry freight and/or passengers, operated by a single set of controls.

Authority for the investigation. The investigation is made under the provisions of the Locomotive Inspection Act of February 17, 1911, as amended by Acts of March 4, 1915, June 7, 1924, June 27, 1930, and April 22, 1940.

Reasons for investigation. There are at present no rules or instructions prescribed by the Commission for the inspection and testing of the multiple unit equipment described above and need for same is shown.

Proposed rules and instructions. The rules tentatively proposed by the Commission are contained in Appendix A set forth below. These proposed rules and instructions are subject to any change or changes that may be made as a result of this investigation.

Written evidence; special rules. Evidence shall be submitted in written form at the times and in the manner provided

for in the special rules of practice contained in Appendix B set forth below.

Notice to parties in interest. Notice to the general public will be given by depositing a copy of this notice in the office of the Secretary of the Commission for public inspection, by filing a copy of the notice with the Director, Division of the Federal Register, and by serving copies on each common carrier by railroad subject to the Interstate Commerce Act and on each national organization of railroad employees.

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Secretary.

APPENDIX A

Proposed rules and instructions for inspection and testing of multiple operated electric locomotive units.

SECTION 400. All rules and instructions contained herein apply to electrically operated units designed to carry freight and/or passenger traffic operated by a single set of controls which are defined thus:

(a) Unit or units with propelling motors, control apparatus and one or more control stands.

(b) Unit or units with propelling motors and control apparatus but without control stands.

(c) Unit or units without propelling motors or control apparatus but with control stands.

SEC. 401. (a) The railroad company is held responsible for the general design, construction, inspection, and repair of all units used or permitted to be used on its line. It must know that all inspections, tests, and repairs are made and reports made and filed as required, and that all parts and appurtenances of every unit used are maintained in condition to meet the requirements of the law and these rules and instructions. Nothing contained in these rules and instructions, however, shall be construed as prohibiting any carrier from enforcing additional rules and instructions not inconsistent with those herein contained, tending to a greater degree of precaution against accidents.

(b) The letter "F" shall be legibly stenciled on each side of every unit near the end, which, for identification purposes, will be known as the front end. The unit number shall be legibly stenciled on each side of every unit and shall be shown on the specification, Form No. 4-A.¹

SEC. 402. The term "inspector" as used in these rules and instructions means, unless otherwise specified, the railroad company's inspector.

SEC. 403. Each unit in service shall be inspected at least once in every 24-hour period and a record made thereof on Form No. 2-B.¹ If any defects are found, a report shall be made on Form No. 2-C¹ to the proper representative of the company. Form No. 2-C shall show the name of the railroad; the initials and

number of the unit; the place, date, and time of the inspection; the defects found; and the signature of the inspector. Form No. 2-C shall be approved by an authorized representative of the company. Form No. 2-B and Form No. 2-C shall then be filed in the office of the railroad company at the place where inspection is made and retained for a period of three years. If any defects exist which render the unit unsafe for further service, such defects shall be repaired before the unit is again placed in service.

SEC. 404. The railroad company must know before each trip that the brakes are in safe and suitable condition for service; that the air compressor or compressors are in condition to provide an ample supply of air for the service in which the unit is put; that the devices for regulating all pressures are properly performing their functions; that the brake valve works properly in all positions; and that all condensation has been drained from the air brake system at least once within the preceding 24-hour period.

SEC. 405. (a) The main reservoir system of each unit shall be equipped with at least one safety valve, so located as not to be subject to freezing, the capacity of which shall be sufficient to prevent an accumulation of pressure of more than 10 pounds per square inch above the maximum working air pressure fixed by the chief mechanical officer of the carrier operating the unit.

(b) A suitable governor shall be provided that will stop and start the air compressor within 5 pounds per square inch above or below the pressures fixed.

(c) Compressor governor when used in connection with the automatic air-brake system shall be so adjusted that the compressor will start when the main reservoir pressure is not less than 15 pounds per square inch above the maximum brake-pipe pressure fixed by the rules of the carrier and will not stop the compressor until the reservoir pressure has increased not less than 10 pounds per square inch.

(d) The compressor or compressors shall be tested for capacity by orifice test as often as conditions may require, but not less frequently than once every three months.

(e) The minimum capacity of any compressor permitted in service shall be approximately 80 percent of the capacity of the compressor when new. The diameter of orifice, speed of compressor, and air pressure to be maintained for compressors in common use are given in the following tables. For diagram of orifice see figure 1.

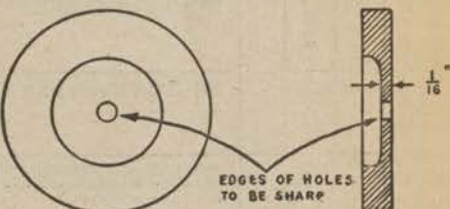


FIGURE 1.

¹ Filed as part of the original document.

CONDENNING LIMITS FOR MOTOR-DRIVEN AIR COMPRESSORS—continued
Westinghouse—Type D-4-N—Orifice Size $5/32"$ Drill

Shaft r. p. m.		Elevation in feet above sea level								
Com-pressor	Motor	Sea level	1,000	2,000	3,000	4,000	5,000	6,000	7,000	8,000
		Minimum gauge pressure in pounds to be maintained								
240	1,305	80	77	74	71	68	65	63	61	58
230	1,250	78	75	72	69	66	63	61	59	57
220	1,200	77	74	71	68	65	63	61	59	57
215	1,170	75	72	69	66	64	61	59	57	55
210	1,140	73	70	67	65	62	60	58	56	54
205	1,115	71	68	66	63	61	60	57	55	53
200	1,090	70	67	65	62	60	58	56	54	52
195	1,060	68	65	63	60	58	56	55	53	51
190	1,030	67	64	62	59	57	55	53	51	49
185	1,000	65	62	60	58	55	53	51	49	47
180	980	63	60	58	56	54	52	50	48	46
175	950	61	59	56	54	52	50	48	46	44
170	925	60	58	55	53	51	49	47	45	43
165	895	58	56	53	51	49	48	46	44	42
160	870	57	55	52	50	48	46	45	43	41
155	840	55	53	50	48	47	45	43	42	40
150	815	53	51	49	47	45	43	42	40	38
145	790	51	49	47	44	43	41	39	38	37
140	760	50	48	46	44	43	41	39	38	37
135	735	48	46	44	42	41	40	38	37	36
130	705	47	45	43	41	40	38	37	36	35

Westinghouse—Types D-A-P and D-K—Office Size 5/32" Drill

Westinghouse—Types D-4-P and D-4-K—Orifice Size $5/32"$ Drill

Shaft r. p. m.		Elevation in feet above sea level								
Com-pressor	Motor	Minimum gauge pressure in pounds to be maintained								
		Sea level	1,000	2,000	3,000	4,000	5,000	6,000	7,000	8,000
230	$D-I-P$ 1,250	82	79	76	73	70	67	65	62	60
220	$D-I-P$ 1,200	80	77	74	71	68	65	63	61	58
210	$D-I-P$ 1,140	78	75	72	69	66	63	62	59	56
205	$D-I-P$ 1,115	76	73	70	67	65	62	60	58	54
200	$D-I-P$ 1,080	74	71	68	65	63	61	59	57	53
195	$D-I-P$ 1,060	72	69	66	63	62	60	58	55	53
190	$D-I-P$ 1,030	70	67	64	61	58	56	54	52	50
185	$D-I-P$ 1,000	68	65	63	62	59	56	55	53	51
180	$D-I-P$ 970	66	63	61	59	57	55	53	51	49
175	$D-I-P$ 945	64	61	59	57	55	53	51	49	47
170	$D-I-P$ 925	62	60	58	56	54	52	50	48	46
165	$D-I-P$ 895	60	58	56	54	52	50	48	46	44
160	$D-I-P$ 870	58	56	54	52	50	48	46	44	42
155	$D-I-P$ 845	56	54	52	50	48	46	44	42	40
150	$D-I-P$ 815	54	52	50	48	46	44	42	40	38
145	$D-I-P$ 790	52	50	48	46	44	42	40	38	36
140	$D-I-P$ 760	50	48	46	44	42	40	38	36	34
135	$D-I-P$ 735	48	46	44	42	40	38	36	34	32
130	$D-I-P$ 705	46	44	42	40	38	36	34	32	30
125	$D-I-P$ 680	44	42	40	38	36	34	32	30	28

Westinghouse—Type C-7-5—Orifice Size No. 16 Drill= $0.177"$ Diameter

Gear ratio		Elevation in feet above sea level									
Com-pressor	Motor	Sea level	1,000	2,000	3,000	4,000	5,000	6,000	7,000	8,000	9,000
		Minimum gauge pressure in pounds to be maintained									
270	1,375	90	86	83	80	77	74	71	68	65	62
260	1,320	88	84	81	78	75	72	69	66	63	60
250	1,260	86	82	79	76	73	70	67	64	61	59
245	1,230	84	80	77	74	71	68	65	62	60	58
240	1,200	82	78	75	72	69	66	63	61	59	57
235	1,170	80	76	73	70	67	64	61	59	57	55
230	1,140	78	74	71	68	65	62	60	58	56	54
225	1,110	76	72	69	66	63	60	58	56	54	52
220	1,080	74	70	67	64	61	58	56	54	52	50
215	1,050	72	68	65	62	59	56	54	52	50	48
210	1,020	70	66	63	60	57	54	52	50	48	46
205	990	68	64	61	58	55	52	50	48	46	44
200	960	66	62	59	56	53	50	48	46	44	42
195	930	64	60	57	54	51	48	46	44	42	40
190	900	62	58	55	52	49	46	44	42	40	38
185	870	60	56	53	50	47	44	42	40	38	36
180	840	58	54	51	48	45	42	40	38	36	34
175	810	56	52	49	46	43	41	39	37	35	33
170	780	54	50	47	44	41	39	37	35	33	31
165	750	52	48	45	42	40	38	36	34	32	30
160	720	50	46	43	40	38	36	34	32	30	28
155	690	48	44	41	38	36	34	32	30	28	26
150	660	46	42	39	36	34	32	30	28	26	24
145	630	44	40	37	34	32	30	28	26	24	22
140	600	42	38	35	32	30	28	26	24	22	20
135	570	40	36	33	30	28	26	24	22	20	18
130	540	38	34	31	28	26	24	22	20	18	16
125	510	36	32	29	26	24	22	20	18	16	14
120	480	34	30	27	24	22	20	18	16	14	12
115	450	32	28	25	22	20	18	16	14	12	10
110	420	30	26	23	20	18	16	14	12	10	8
105	390	28	24	21	18	16	14	12	10	8	6
100	360	26	22	19	16	14	12	10	8	6	4
95	330	24	20	17	14	12	10	8	6	4	2
90	300	22	18	15	12	10	8	6	4	2	0

CONDENNING LIMITS FOR MOTOR-DRIVEN AIR COMPRESSORS
Westinghouse—Type DH-10—Orifice Size No. 46 Drill= $0.081"$ Diameter

Shaft r. p. m.		Elevation in feet above sea level								
Com-pressor	Motor	Sea level	1,000	2,000	3,000	4,000	5,000	6,000	7,000	8,000
		Minimum gauge pressure in pounds to be maintained								
260	1,380	56	54	52	50	48	46	44	43	41
240	1,270	53	51	49	47	45	44	42	40	39
230	1,163	48	46	45	43	41	40	38	37	35
215	1,140	47	45	44	42	40	39	37	36	34
210	1,110	46	44	43	41	39	37	36	35	33
205	1,087	45	43	42	40	39	37	36	34	33
200	1,060	44	42	41	39	38	37	35	34	32
195	1,032	43	41	40	38	37	36	34	33	31
190	1,010	42	40	39	37	36	34	33	32	30
185	981	40	39	37	36	34	33	32	31	30
180	955	39	37	36	35	33	32	31	30	29
175	928	38	36	35	33	32	31	30	29	28
170	901	37	35	34	33	31	30	29	28	27
165	875	35	34	33	31	30	29	28	27	26
160	850	34	33	32	30	29	28	27	26	25
155	823	33	32	30	29	28	27	26	25	24
150	795	32	30	29	28	27	26	25	24	23
145	770	31	29	28	27	26	25	24	23	22

Westinghouse—Type DH-10—Orifice Size No. 37 Drill=0.101" Diameter

Westinghouse—Type DH-16—Orifice Size No. 37 Drill= $0.104"$ Diameter

Shaft r. p. m.		Elevation in feet above sea level								
Com-pressor	Motor	Sea level	1,000	2,000	3,000	4,000	5,000	6,000	7,000	8,000
		Minimum gauge pressure in pounds to be maintained								
250	1,280	56	54	52	50	48	46	44	42	41
240	1,230	54	52	50	48	46	44	42	41	39
230	1,180	51	49	47	46	44	43	41	40	38
225	1,155	50	48	46	44	43	41	40	38	37
220	1,130	49	47	45	43	41	40	38	37	36
215	1,100	48	46	44	43	41	40	38	37	35
210	1,080	46	45	43	41	40	38	37	35	34
205	1,050	45	43	42	41	39	37	36	34	33
200	1,025	44	42	41	39	38	36	35	33	32
195	1,000	43	41	39	38	36	35	34	32	31
190	975	41	39	38	37	35	34	33	31	30
185	950	40	39	37	36	35	34	33	31	30
180	925	39	37	36	35	34	33	32	31	30
175	900	38	36	35	34	33	32	31	30	29
170	875	36	35	34	33	32	31	30	29	28
165	845	35	34	33	32	31	30	29	28	27
160	820	34	33	32	31	30	29	28	27	26
155	795	33	32	31	30	29	28	27	26	25
150	770	31	30	29	28	27	26	25	24	23
145	745	30	29	28	27	26	25	24	23	22

Westinghouse—Type F-5-B—Orifice Size No. 26 Drill= $0.170"$ Diameter

250	83	80	77	74	71	68	65	63	61
240	81	78	75	72	69	66	63	60	59
230	79	76	73	70	67	64	61	59	57
225	77	74	71	68	65	62	60	57	56
220	75	72	69	66	63	60	59	56	54
215	74	71	68	65	62	60	59	56	54
210	72	69	66	63	60	58	57	55	53
205	70	67	64	62	60	57	55	53	51
200	68	65	62	60	57	55	53	51	49
195	67	65	62	60	57	55	53	51	48
190	65	62	60	58	55	53	51	49	47
185	63	61	59	57	55	53	51	49	47
180	62	59	57	55	52	50	48	46	44
175	60	58	55	53	51	49	47	46	44
170	58	56	54	52	50	48	46	45	43
165	57	55	52	50	48	47	45	43	42
160	55	53	51	49	48	46	44	42	41
155	54	52	50	48	46	44	43	41	40
150	53	51	49	47	45	43	42	40	39
145	51	49	47	45	43	42	40	39	37
140	49	47	46	44	42	41	39	38	36

CONDENNING LIMITS FOR MOTOR-DRIVEN AIR COMPRESSORS—continued
General Electric—Type CP-28-800—Orifice size 7/16" Drill=0.1094" Diameter

Shaft r. p. m.	Elevation in feet above sea level						
	Sea level	1,000	2,000	3,000	4,000	5,000	6,000
Motor	Minimum gauge pressure in pounds to be maintained						
1,450	265	80	76	72	68	65	61
1,350	247	75	71	67	64	60	57
1,250	228	70	66	63	60	56	53
1,150	210	65	61	58	55	52	49
1,050	192	59	56	53	50	47	44
950	174	53	50	47	44	41	38
850	155	48	45	42	40	37	34
750	137	42	40	37	35	33	30

General Electric—Type CP-28-800—Orifice size 7/16" Drill=0.1094" Diameter

Shaft r. p. m.	Elevation in feet above sea level						
	Sea level	1,000	2,000	3,000	4,000	5,000	6,000
Motor	Minimum gauge pressure in pounds to be maintained						
1,450	265	80	76	72	68	65	61
1,350	247	75	71	67	64	60	57
1,250	228	70	66	63	60	56	53
1,150	210	65	61	58	55	52	49
1,050	192	59	56	53	50	47	44
950	174	53	50	47	44	41	38
850	155	48	45	42	40	37	34
750	137	42	40	37	35	33	30

General Electric—Type CP-19-Orifice Size No. 18 Drill=0.1688" Diameter

Shaft r. p. m.	Elevation in feet above sea level						
	Sea level	1,000	2,000	3,000	4,000	5,000	6,000
Motor	Minimum gauge pressure in pounds to be maintained						
220	106	101	96	91	87	82	77
210	102	97	92	88	83	79	74
200	97	92	87	83	79	74	70
190	93	88	84	80	75	71	67
180	88	83	79	75	71	67	63
170	83	78	74	70	66	62	58
160	78	73	69	65	61	57	53
150	73	68	64	60	56	52	48
140	68	63	59	55	51	47	43
130	63	58	54	50	46	42	38

General Electric—Type CP-34—Orifice Size 15/16" Drill=0.8344" Diameter

Shaft r. p. m.	Elevation in feet above sea level						
	Sea level	1,000	2,000	3,000	4,000	5,000	6,000
Motor	Minimum gauge pressure in pounds to be maintained						
250	123	118	112	107	102	96	90
240	118	112	107	102	97	92	86
230	112	107	102	97	92	87	81
220	107	102	97	92	87	82	77
210	101	96	91	87	82	78	73
200	96	91	86	82	78	73	69
190	91	86	81	77	73	69	64
180	86	81	77	73	69	65	60
170	81	76	72	68	64	60	56
160	76	71	67	63	59	55	51
150	71	66	62	58	54	50	46

CONDENNING LIMITS FOR MOTOR-DRIVEN AIR COMPRESSORS—continued
Westinghouse—Type C-4-150—Orifice Size 15/16" Drill

Shaft r. p. m.	Elevation in feet above sea level						
	Sea level	1,000	2,000	3,000	4,000	5,000	6,000
Motor	Minimum gauge pressure in pounds to be maintained						
1,620	118	113	109	105	101	97	93
1,560	113	108	104	100	96	92	88
1,500	108	103	99	95	91	87	83
1,440	103	98	94	90	86	82	78
1,380	98	93	89	85	81	77	73
1,320	93	88	84	80	76	72	68
1,260	88	83	79	75	71	67	63
1,200	83	78	74	70	66	62	58
1,140	78	73	69	65	61	57	53
1,080	73	68	64	60	56	52	48
1,020	68	63	59	55	51	47	43
960	63	58	54	50	46	42	38
900	58	53	49	45	41	37	33

General Electric—Types CP-30-1500 and 1800—Orifice Size No. 20 Drill=0.150" Diameter

Shaft r. p. m.	Elevation in feet above sea level						
	Sea level	1,000	2,000	3,000	4,000	5,000	6,000
Motor	Minimum gauge pressure in pounds to be maintained						
1,350	73	70	67	65	62	59	56
1,300	70	68	65	62	59	57	54
1,250	68	65	62	59	56	53	50
1,200	65	63	60	57	54	51	48
1,150	63	60	58	55	52	49	46
1,100	60	58	55	52	49	46	43
1,050	58	55	52	49	46	43	40
1,000	55	53	50	47	44	41	38
950	52	50	47	44	41	38	35
900	50	48	45	42	39	36	33
850	48	45	42	39	36	33	30
800	44	42	40	37	34	31	28
750	41	39	37	34	31	28	25

General Electric—Type CP-30-800—Orifice Size No. 20 Drill=0.150" Diameter

Shaft r. p. m.	Elevation in feet above sea level						
	Sea level	1,000	2,000	3,000	4,000	5,000	6,000
Motor	Minimum gauge pressure in pounds to be maintained						
230	70	68	65	62	59	57	54
222	68	65	62	59	56	53	50
213	65	63	60	57	54	51	48
204	63	60	58	55	52	49	46
195	60	58	55	52	49	46	43
186	58	55	52	49	46	43	40
177	55	53	50	47	44	41	38
168	52	50	47	44	41	38	35
159	50	48	45	42	39	36	33
151	48	45	42	39	36	33	30
142	44	42	40	37	34	31	28
133	41	39	37	34	31	28	25

General Electric—Type CP-29-1500 and 1800—Orifice Size 15/16" Drill=0.1094" Diameter

Shaft r. p. m.	Elevation in feet above sea level						
	Sea level	1,000	2,000	3,000	4,000	5,000	6,000
Motor	Minimum gauge pressure in pounds to be maintained						
1,500	274	82	78	74	70	66	62
1,400	258	77	73	70	66	62	58
1,300	242	72	69	65	62	58	54
1,200	226	67	64	60	57	54	50
1,100	210	62	59	56	52	49	46
1,000	194	57	54	51	48	45	42
900	178	51	48	45	42	39	36
800	162	46	43	40	37	34	31
750	156	41	38	35	32	29	26

CONDENSING LIMITS FOR MOTOR-DRIVEN AIR COMPRESSORS—continued

Westinghouse—Type D-2-EG and D-2-EZ—Orifice Size $7/16$ " Drill

Shaft r. p. m.		Elevation in feet above sea level							
Compressor	Motor	Sea level	1,000	2,000	3,000	4,000	5,000	6,000	8,000
Minimum gauge pressure in pounds to be maintained									
280	1,550	89	85	82	79	76	73	70	67
270	1,500	86	82	80	76	74	72	69	66
260	1,440	83	80	76	73	70	68	65	63
250	1,380	80	77	74	71	68	65	63	60
240	1,320	77	74	71	68	65	63	60	58
230	1,260	74	71	68	65	63	60	58	56
220	1,200	71	68	65	63	60	58	56	55
210	1,140	68	65	63	60	58	56	54	53
200	1,080	65	62	60	58	56	54	52	51
190	1,020	62	59	57	55	53	51	49	48
180	960	59	57	55	53	51	49	47	46
170	900	56	54	52	50	48	46	44	43
160	840	53	51	49	47	45	43	41	40
150	780	50	47	45	43	41	40	38	37

Westinghouse—Types D-3-N and D-3-LA—Orifice Size No. 29 Drill=0.1360" Diameter

Shaft r. p. m.		Elevation in feet above sea level							
Compressor	Motor	Sea level	1,000	2,000	3,000	4,000	5,000	6,000	8,000
Minimum gauge pressure in pounds to be maintained									
280	1,650	79	76	73	70	67	65	62	60
270	1,588	76	73	70	67	65	62	60	57
260	1,526	73	70	67	64	62	59	57	55
250	1,464	70	67	64	61	59	56	55	53
240	1,402	67	64	61	58	56	54	52	50
230	1,340	64	61	58	55	53	51	49	47
220	1,278	61	58	55	52	50	48	46	45
210	1,216	58	55	52	49	47	45	43	42
200	1,154	55	52	49	46	44	42	40	39
190	1,092	52	49	46	43	41	39	37	36
180	1,030	49	46	43	40	38	36	34	33

Sec. 406. (a) Every main reservoir before being put into service, and at least once every 12 months thereafter, shall be subjected to hydrostatic pressure not less than 25 percent above the maximum working pressure fixed by the chief mechanical officer, and report made on Form No. 1-A.¹

(b) The entire surface of each main reservoir shall be hammer tested each

¹ Filed as part of the original document.

CONDENSING LIMITS FOR MOTOR-DRIVEN AIR COMPRESSORS—continued

General Electric—Type CP-33—Orifice Size $13/16$ " Drill=0.2031" Diameter

Shaft r. p. m.		Elevation in feet above sea level							
Compressor	Motor	Sea level	1,000	2,000	3,000	4,000	5,000	6,000	8,000
Minimum gauge pressure in pounds to be maintained									
235	1,050	117	111	105	101	96	91	86	80
224	1,000	111	105	100	95	90	85	80	75
213	950	105	100	94	89	84	79	74	69
202	900	98	93	87	82	77	72	67	62
190	850	92	87	81	76	71	66	61	56
179	800	86	81	75	70	65	60	55	50
168	750	79	74	68	63	58	53	48	43
157	700	73	68	62	57	52	47	42	37
145	650	67	62	56	51	46	41	36	31
134	600	60	55	50	45	40	35	30	25

Shaft r. p. m.		Elevation in feet above sea level							
Compressor	Motor	Sea level	1,000	2,000	3,000	4,000	5,000	6,000	8,000
Minimum gauge pressure in pounds to be maintained									
240	1,080	99	93	87	81	75	70	64	58
230	1,020	93	87	81	75	69	63	57	51
220	960	87	81	75	69	63	57	51	45
210	900	81	75	69	63	57	51	45	39
200	840	75	69	63	57	51	45	39	33
190	780	69	63	57	51	45	39	33	27
180	720	63	57	51	45	39	33	27	21
170	660	57	51	45	39	33	27	21	15
160	600	51	45	39	33	27	21	15	9
150	540	45	39	33	27	21	15	9	3

Shaft r. p. m.		Elevation in feet above sea level							
Compressor	Motor	Sea level	1,000	2,000	3,000	4,000	5,000	6,000	8,000
Minimum gauge pressure in pounds to be maintained									
240	1,080	99	93	87	81	75	70	64	58
230	1,020	93	87	81	75	69	63	57	51
220	960	87	81	75	69	63	57	51	45
210	900	81	75	69	63	57	51	45	39
200	840	75	69	63	57	51	45	39	33
190	780	69	63	57	51	45	39	33	27
180	720	63	57	51	45	39	33	27	21
170	660	57	51	45	39	33	27	21	15
160	600	51	45	39	33	27	21	15	9
150	540	45	39	33	27	21	15	9	3

time the unit is shopped for general repairs, but not less frequently than once every 18 months, and report made on Form No. 1-A. This test shall be made while reservoir is empty.

SEC. 407. (a) Air gauges shall be so located that they may be conveniently read by the enginemen from their usual position in the operating compartment and shall show main reservoir and brake pipe or equalizing reservoir pressures.

(b) Air gauges shall be tested at least once every three months, and whenever any irregularity is reported. They shall be compared with an accurate dead-weight tester, or test gauge constructed for the purpose of testing gauges, and gauges found incorrect shall be repaired before they are returned to service.

SEC. 408. (a) Brake cylinders, slack adjusters, control valves, reducing valves, triple valves, transfer valves, straight air double check valves, brake pipe vent valves, relay valves, magnet valves and electro-pneumatic master controllers shall be cleaned, oiled and tested as often as conditions require to maintain them in safe and suitable condition for service but not less frequently than once every 15 months with the exception of the D-22, UE and PS types which must be cleaned, oiled and tested not less frequently than once every 24 months.

(b) The date of testing or cleaning, and the initials of the shop or station at which the work is done, shall be legibly stenciled in a conspicuous place on the unit, or placed on a card displayed under glass in each unit.

SEC. 409. (a) Minimum brake cylinder piston travel shall be sufficient to provide proper brake shoe clearance when the brakes are released.

(b) On swivel trucks where the brakes on more than one truck are operated by the same cylinder the maximum piston travel shall not exceed 9 inches. Where the cylinder operates the brakes on one truck only and on units equipped with truck mounted brake cylinder the piston travel shall be properly adjusted for that type of brake cylinder.

SEC. 410. (a) Foundation brake gear shall be maintained to the standard for the unit. Levers, rods, brake beams, hangers, and pins shall not be fouled in any way which will affect the proper operation of the brake. All pins shall be properly secured in place with cotter keys, split keys, or nuts. Brake shoes must be properly fastened in place, and kept approximately in line with the tread of the wheel.

(b) Provision shall be made to prevent brake beams and bottom rods from dropping to the track structure in the event of failure of the brake beam, hangers, or connections.

SEC. 411. (a) Leakage from main air reservoir and related piping shall not exceed an average of 3 pounds per square inch per minute in a test of 3 minutes' duration, made after the pressure has been reduced 40 per cent below maximum pressure.

(b) Brake-pipe leakage shall not exceed 3 pounds per square inch per minute.

(c) With a full service application from maximum brake pipe pressure, and with communication to the brake cylinders closed, the brakes shall remain effectively applied not less than 10 minutes.

SEC. 412. Draw gear and attachments thereto shall be securely attached and properly maintained. Draw gear consisting of automatic couplers with friction or spring draft gear shall be so maintained that the lost motion in each assemblage, not absorbed by the springs or friction devices, will not exceed $\frac{1}{2}$ inch. Standard couplers measuring $5\frac{1}{4}$ inches or more between point of knuckle and guard arm shall not be continued in service.

SEC. 413. Driving and truck axles more than $\frac{1}{2}$ inch under original diameter, or with any of the following defects, shall not be continued in service: Seams, cracked or bent axles, or cut journals.

SEC. 414. (a) Exposed gears shall be provided with guards.

(b) Gears or pinions with any of the following defects shall not be continued in service: Loose on shaft; broken, cracked, or with excessively worn teeth; broken or defective rim fastenings; out of alignment or improperly meshed; split gears with loose or missing bolts.

SEC. 415. Springs or spring rigging with any of the following defects shall be renewed or repaired: Top leaf broken or two leaves in top half or any three leaves in spring broken (the long side of spring to be considered the top); springs with leaves working in band; broken coil springs; broken, cracked, or badly worn equalizer, hanger, bolt, gib, or pin.

SEC. 416. The total lateral motion between wheels and boxes on any pair of wheels shall not exceed one inch.

SEC. 417. (a) Truck center plates shall fit properly and be securely fastened. The male center plate shall extend into the female center plate not less than $\frac{3}{4}$ inch, except on motor trucks constructed to transmit tractive effort through center plate or center pin the male center plate shall extend into the female center plate not less than $1\frac{1}{2}$ inches.

(b) Trucks shall be locked to the unit body and so arranged that the entire truck will lift with the unit body without disengaging the center plates. The attachments shall be of adequate strength and properly maintained. Such provision shall be made on units presently in service and not so equipped when the unit receives general repairs but not later than (24 months after effective date of order.)

(c) Truck bolsters shall be maintained approximately level.

(d) Trucks with any of the following defects shall not be continued in service: Loose column, pedestal, or journal-box bolt; cracked or broken frame, unless properly repaired; loose tie bar; broken or defective motor suspension lug, spring, bar, or bolt; broken or cracked center casting; cracked or broken equalizer, hanger, gib, or pin.

(e) Suspension lugs or bars shall be of ample strength to keep motors secured and provision shall be made to prevent

nose-supported motors from falling in case of failure of motor supports.

SEC. 418. (a) Side bearings shall be securely fastened in place. Friction side bearings with springs designed to carry weight shall not be continued in service with more than 25 percent of the springs broken in any one nest.

(b) Friction side bearings unless designed to carry weight shall not be run in contact. Maximum clearance of side bearings shall not exceed $\frac{1}{4}$ inch on each side, or a total of $\frac{1}{2}$ inch on both sides, except where more than two side bearings are used under the same rigid superstructure, the clearance on one pair of side bearings under the same rigid superstructure shall not exceed $\frac{1}{4}$ inch on each side or a total of $\frac{1}{2}$ inch on both sides. The other side bearings under the same rigid superstructure may have $\frac{1}{2}$ inch clearance on each side or a total of one inch on both sides. These clearances apply where the spread of the side bearings is 50 inches or less. Where the spread is greater, the side bearing clearance may be increased in proportion.

SEC. 419. No part or appliance of unit, except the wheels, contact shoes, and train stop or signal devices shall be less than $2\frac{1}{2}$ inches above the top of rail.

SEC. 420. (a) Wheels shall be securely pressed on axles, except wheels and axles of special design and construction where other proper and safe means are provided for holding the wheels on the axles. Prick punching, shimming wheel fit, or pins driven in ends of axles will not be permitted.

(b) When wheels are applied, or wheels are turned, the circumference of the wheels on the same axle shall not vary more than $\frac{1}{16}$ inch.

(c) Wheels used on standard-gauge track will be out of gauge if the inside gauge of flanges, measured on base line, is less than 53 inches or more than $53\frac{1}{2}$ inches.

(d) The distance back to back of flanges of wheels mounted on the same axle shall not vary more than $\frac{1}{4}$ inch.

(e) The minimum height of flange measured from tread shall be one inch.

(f) The maximum taper for tread of truck wheels from throat of flange to outside of wheel shall be $\frac{7}{16}$ inch.

SEC. 421. Wrought-steel or steel-tired wheels with any of the following defects shall not be continued in service:

(a) Slid flat, when the flat spot is $1\frac{1}{2}$ inches or over in length.

(b) Flanges having flat vertical surface extending one inch or more from the tread, or flanges $1\frac{1}{16}$ inch thick or less.

(c) Burnt rim, shattered rim, spread rim, sub-surface defect, or shelled tread.

(d) Transverse cracks in tread or flange regardless of length.

(e) Cracked or broken plate.

(f) Flanges $1\frac{1}{2}$ inches or more from tread to top of flange.

(g) Out of gauge.

(h) Loose on axle.

(i) Wrought-steel wheels one inch or less in thickness at the rim.

(j) Steel-tired wheels with cracked or broken retaining ring, bolt or tire, or with loose tire.

This equipment shall be installed on all units built after (effective date of order) and on units presently in service when same receive general repairs but not later than (24 months after effective date of order).

(c) Floors of operating compartments shall be kept free from accumulations of oil, waste, or unnecessary obstructions.

(d) Floors of operating compartments shall be heat insulated.

(e) Operating compartments shall be provided with heating arrangements that will maintain therein a temperature of not less than 50 degrees F.

SEC. 424. Pilots, when used, shall be securely attached and properly braced. On approximately straight level track the minimum clearance of pilot above the rail shall be 3 inches, and the maximum clearance 6 inches.

SEC. 425. (a) Each unit operated separately and the leading unit of a multiple unit train shall have a headlight which shall afford sufficient illumination to enable a person in the operating compartment who possesses the usual visual capacity required of enginemen to see in a clear atmosphere a dark object as large as a man of average size standing erect at least 800 feet ahead and in front of such headlight; and such headlight must be maintained in good condition.

(b) Such headlights shall be provided with a device, which may be conveniently operated by the enginemen, whereby the light from same may be diminished in yards and at stations or when meeting trains.

SEC. 426. Each unit shall be provided with such classification and marker lights as may be required by the rules of the railroad company operating the unit. When such lights are used they shall be kept clean and be electrically lighted. Such provision shall be made on all units built after (effective date of order). Units presently in service, which are not so equipped, shall be equipped when the unit receives general repairs but not later than (24 months after effective date of order).

SEC. 427. (a) Each unit shall have lights which will provide sufficient illumination for the control instruments, meters, and gauges to enable the enginemen to make accurate readings from their usual operating position. These lights shall be so located, constructed, and maintained, that light will shine only on those parts requiring illumination. There shall also be a light conveniently located to enable the enginemen to easily and accurately read train orders and time tables, and so constructed that it may be readily darkened or extinguished.

(b) Lights shall be so located, constructed or shielded that the light will not interfere with enginemen's vision of track and signals.

(c) All lights may be entirely supplied from storage batteries if desired. Where lights are not supplied from storage batteries, there shall be two or more lighting circuits for providing illumination required by paragraphs (a) and (b) of

this section. Battery containers shall be properly vented.

SEC. 428. Each leading unit shall be provided with a suitable whistle or horn so arranged that it may be conveniently operated by the enginemen from their position in the operating compartment.

SEC. 429. Headlights and whistles shall be located in safe and accessible places. Where units are equipped with overhead current collectors, headlights shall be so located, constructed, and arranged that they can be given necessary repairs and attention without requiring a person to mount the roof or become exposed to contact with parts carrying high tension.

SEC. 430. Where sanding apparatus is used it shall be maintained in proper operating condition. Sand pipes shall be securely fastened and arranged to deliver the sand on the rails in front of the wheel contact.

SEC. 431. The train signal system shall be tested and known to be in condition for service before each trip.

SEC. 432. Current collectors shall be properly insulated from the unit structure for the maximum voltage carried by the conductor.

SEC. 433. (a) Pantographs shall be so arranged that they can be operated from the enginemen's usual and proper place in the operating compartment.

(b) Pantographs which automatically rise when released shall be provided with an automatic locking device that will hold them while in down position.

(c) Each pantograph operating on an overhead trolley wire shall be provided with a device for locking and grounding it when in lowest position, which can be applied and released only from a position where the operator will have a clear view of pantograph and roof without mounting the roof. Such grounding will not be required on units with insulated roofs.

(d) Pantograph shoes with cracked or badly worn contact surface or with defective horn shall not be continued in service.

(e) Leaky or defective pantograph operating cylinder or air line connection shall not be continued in service. Air line connections shall afford proper insulation.

SEC. 434. (a) When a unit is equipped with a trolley pole a hook shall be provided that will hold the pole while in down position. This hook shall be securely fastened and properly insulated from the unit structure.

(b) When a unit with a non-insulated roof is equipped with more than one trolley pole, each pole shall be equipped with a device for grounding the pole when it is secured by the hook referred to in paragraph (a) of this section, which can be applied and released only from a position where the operator will have a clear view of the trolley pole and roof without mounting the roof.

(c) Each trolley pole shall be equipped with a trolley pole rope. A retriever or trolley pole catcher shall also be provided.

(d) Where trolley wire has a potential of more than 750 volts, each trolley pole

rope shall be insulated from the pole for the maximum voltage carried by the trolley wire.

(e) Trolleys shall not be continued in service if broken or excessively burned, warped, or worn.

SEC. 435. (a) When units are equipped with both third rail and overhead collectors, third-rail shoes shall be de-energized while in yards and at stations when current collection is from overhead conductor and not intermittent from third rail and overhead.

(b) Third-rail shoe beams loose on brackets, split or cracked, or with accumulations of extraneous matter conducive of short circuits shall not be continued in service.

SEC. 436. (a) Each train of one or more units operated by means of a pantograph shall have a suitable emergency pole for operating the pantograph. This pole shall be protected from moisture while not in use and the part which can be safely handled shall be so marked.

(b) Each unit equipped with third-rail shoes shall have a device that will insulate current collecting apparatus from third rail when desired.

SEC. 437. (a) Where current supply is continuously taken from an overhead conductor and lightning protection is not provided along the line of road that will afford adequate protection for the unit, each unit shall be provided with a suitable lightning arrester. In sections where freezing weather is generally encountered, lightning arresters will not be required on units between November 1 and March 1. The current-collector cable shall be tapped for a lightning arrester near the overhead current collector.

(b) The lightning arrester shall be properly grounded.

SEC. 438. All unguarded noncurrent-carrying metal parts subject to becoming charged which are not thoroughly insulated shall be grounded.

SEC. 439. All current-carrying parts connected to circuits with potential of more than 150 volts, except current collectors, shall be insulated, or located or guarded to prevent accidental contact.

SEC. 440. All doors and cover plates guarding current carrying equipment in circuits having a potential of more than 150 volts shall be securely fastened in place, and the inside kept marked with the word "Danger" and the normal voltage of the circuit.

SEC. 441. (a) All current-carrying, hand-operated switches in circuits having a potential of more than 150 volts, which may be operated while under load shall be enclosed in a cabinet or properly covered and be operative from the outside, and means provided to show whether switches are open or closed. Switches which may not be operated while under load shall be guarded against accidental contact and kept plainly marked with the words "must not be operated under load" and the voltage of the circuit.

(b) Circuit breakers, contactors, and fuses shall be maintained in safe and suitable condition for service and shall be so located or guarded that persons will not be injured by their operation.

(c) Oil type circuit breakers shall be equipped with suitable sight glasses or indicators.

SEC. 442. (a) Jumpers or cable connections between units shall not be allowed to hang with one end free.

(b) Cable connections between units and all jumpers shall be thoroughly cleaned, inspected, and tested as often as necessary to maintain them in safe and suitable condition for service, but not less frequently than once each three months. Each jumper carrying current having a potential of 600 volts or more shall be tested by immersing the cable portion in water and subjecting each conductor with another, and with the water, to a difference in potential of not less than one and three-fourths times the normal working voltage for not less than one minute. Date and place of inspection and test shall be legibly stenciled on the jumper or stamped on a tag securely attached to jumper.

(c) Defective cable connections and jumpers shall not be continued in service.

SEC. 443. All cables and wires carrying current shall be in proper condition for service.

SEC. 444. Motors and generators shall be securely fastened in place and properly maintained.

SEC. 445. Transformers shall be securely fastened in place. Liquid filled transformers and related piping shall be maintained free from leaks and the liquid maintained at proper level in transformer cases.

SEC. 446. Rheostats and grid resistors shall be maintained in proper condition for service.

SEC. 447. Not less than once every year an insulation dielectric test of not less than one minute duration shall be applied to all circuits and parts carrying current with potential of more than 150 volts. The voltage applied to circuits other than motor windings, shall be not less than 75 percent above the normal working voltage; the voltage applied to windings shall be not less than 50 percent above the normal working voltage. A careful examination shall be made of any weakness indicated and all defects remedied before the unit is put in use.

SEC. 448. Not less than once every 30 days a careful inspection of all visible insulation and electrical connections shall be made and all defects repaired.

SEC. 449. (a) A specification, Form No. 4-A, shall be filed with the Director of Locomotive Inspection for each unit, and a copy kept in the office of the chief mechanical officer of the company operating the unit. These specifications shall be filed as promptly as conditions permit, but not later than (effective date of order).

(b) When any change is made which affects the data shown on the specifica-

tion, a corrected specification or an alteration report, Form No. 19-A,¹ showing such changes, shall be filed within 30 days after the changes are made.

SEC. 450. Where units are transferred from one Federal inspection district to another Federal inspection district, assignment list of units shall be supplied to the United States inspector for each of said districts at least once every three months, showing the unit numbers assigned to their respective districts and the reports required by sections 449 to 451, inclusive, shall be sent to the inspector on whose list the unit numbers are shown.

SEC. 451. (a) Not less than once every 30 days each unit in service shall be inspected in accordance with the law and these rules and instructions, and a report made on Form No. 1-A. This report shall be subscribed and sworn to before an officer authorized to administer oaths, by the inspectors who made the inspection, and by the officer in charge of the unit. Within 10 days after each inspection a duplicate of this report shall be filed with the United States district inspector and a copy filed in the office of the mechanical officer.

(b) A copy of the last inspection report shall be kept under glass in a conspicuous place in a compartment in each unit. This must be a duplicate of the report filed with the United States inspector, except it need not be sworn to.

(c) An out-of-service report on Form No. 1-A shall be filed with the United States district inspector for each unit which was out of service for an entire calendar month, or was out of service when due for inspection and remained out for the rest of the month. This report shall show the month covered thereby; the name of the railroad; the initials and number of the unit; the place where unit is out of service; the date removed from service; the reason for being out of service; and shall bear the statement, "Unit will not again be used until inspection is made and report rendered." The report shall give date and place where made.

(d) Out-of-service report shall not be filed until the end of the month covered thereby. It need not be sworn to, but must be signed by the officer in charge of the unit. When out-of-service report has been filed, an inspection must be made and report made on Form No. 1-A before the unit is again returned to service.

SEC. 452. (a) When a unit is permanently retired from service a final report shall be filed with the United States district inspector. The report shall show the name of the railroad; initials and number of the unit; the disposition made of it, whether scrapped or sold, and if sold, to whom. These reports shall bear the statement, "Unit will not again be used by this company." The report shall give date and place where made and be signed and sworn to by the chief mechanical officer.

(b) When the road number of a unit is changed, the first inspection and re-

pair report rendered thereafter should show in the upper right-hand corner the old and new number:

Old No. 000.

New No. XXX.

SEC. 453. (a) The period of time within which inspections and tests are required to be made may be extended without application as hereinafter provided on units which are out of service for one or more months. Time out of service shall be properly accounted for by out-of-service reports and notations made on the back of each subsequent inspection report and cab card for time claimed out of service. Portions of calendar months out of service will not be counted in granting extensions.

(b) The period of time within which orifice test of compressors is required to be made in accordance with section 405 (d), may be extended for a period equal to the full calendar months the unit was out of service since last such test.

(c) The period of time within which hydrostatic and hammer tests are required to be made in accordance with section 406, may be extended for a period equal to the full calendar months the unit was out of service since the last such tests provided such service is performed within two consecutive years.

(d) Insulation dielectric tests of circuits, as required by section 447, may be extended for a period equal to the full calendar months the unit has been out of service.

SEC. 454. In the case of an accident resulting from failure of a unit, or any part or appurtenance thereof, or from coming in contact with an electrically energized part of appurtenance thereof, resulting in serious injury or death to one or more persons, the carrier on whose line the accident occurred shall immediately report such accident by telegram to the director, at his office in Washington, D. C. Such report should state the nature of the accident, number of persons killed or seriously injured, the place at which it occurred and the place where the unit may be inspected. The telegraphic report shall be confirmed by mail, giving a full detailed report of such accident, stating, as far as may be known, the causes, and giving a complete list of the killed and injured.

SEC. 455. Changes in construction which are necessary to meet the requirements of these rules shall be made as rapidly as conditions permit, and all such changes, except as otherwise specified, shall be completed before (6 months after effective date of order).

SEC. 456. (a) (1) Each unit shall be equipped with the same complement of safety appliances as is required for passenger-train cars included in the classification comparable to it set up in the Commission's order of March 13, 1911, as amended. In cases where both ends of a unit do not fall into any single classification set up in the above-mentioned order, as amended, each end and the side at each end shall be provided with the same complement of safety appliances as is required for passenger-

¹ Filed as part of the original document.

train cars of the classification within which each belongs.

(2) Units of construction not covered specifically in the above-mentioned order relative to handholds, sill-steps, ladders, and hand-brakes may be considered as of special construction, but shall have, as nearly as possible, the same complement of handholds, sill-steps, ladders, and hand-brakes as are required for cars of the nearest approximate type.

(b) Any unit equipped with a pilot which extends beyond the end of the unit must also be equipped, as near as possible, with the same complement of pilot sill-steps and pilot beam handholds as is required by the aforesaid order of March 13, 1911, as amended, for steam locomotives used in road service.

(c) Units having headlights which cannot be safely and conveniently reached from end platforms shall be equipped with secure handholds and steps suitable for the use of men in getting to and from such headlights.

Sec. 457. (a) Units built new after (effective date of order) and operated in trains having a total empty weight of 600,000 pounds or more shall have body structure designed to meet or exceed the following minimum specifications:

(1) The unit structure shall resist a minimum static end load of 800,000 pounds at the rear draft stops ahead of the bolster on the center line of draft, without developing any permanent deformation in any member of the unit structure.

(2) An anti-climbing arrangement shall be applied at each end, designed so that coupled units under full compression shall mate in a manner which will resist one unit from climbing the other. This arrangement shall resist a vertical load of 100,000 pounds without exceeding the yield point of its various parts or its attachments to the unit structure.

(3) The coupler carrier and its connections to the unit structure shall be designed to resist a vertical downward thrust from the coupler shank of 100,000 pounds for any horizontal position of the coupler, without exceeding the yield points of the materials used. When yielding type of coupler carrier is used an auxiliary arrangement shall be provided, designed in accordance with these requirements.

(4) The outside end of each unit shall be provided with two main vertical members, one at each side of the diaphragm opening. Each main member shall have an ultimate shear value of not less than 300,000 pounds at a point even with the top of the underframe member to which it is attached. The attachment of these members at bottom shall be sufficient to develop their full shear value. If reinforcement is used to provide the shear value such reinforcement shall have full value for a distance of 18 inches up from the underframe connection, then taper to a point approximately 30 inches above the underframe connection.

(5) Strength of locking means of truck unit body shall be not less than the equivalent of an ultimate shear value of 250,000 pounds.

(b) Units built new after (effective date of order) and operated in trains having a total empty weight of less than 600,000 pounds shall have body structure designed to meet or exceed the following minimum specifications:

(1) The unit structure shall resist a minimum static end load of 400,000 pounds at the rear draft stops ahead of the bolster on the center line of draft, without developing any permanent deformation in any member of the unit structure.

(2) An anti-climbing arrangement shall be applied at each end designed so that coupled units under full compression shall mate in a manner which will resist one unit from climbing the other. This arrangement shall resist a vertical load of 75,000 pounds without exceeding the yield point of its various parts or its attachments to the unit structure.

(3) The coupler carrier and its connections to the unit structure shall be designed to resist a vertical downward thrust from the coupler shank of 75,000 pounds for any horizontal position of the coupler, without exceeding the yield points of the materials used. When a yielding type of coupler carrier is used an auxiliary arrangement shall be provided, designed in accordance with these requirements.

(4) The outside end of each unit shall be provided with two main vertical members, one at each side of the diaphragm opening. Each main member shall have an ultimate shear value of not less than 200,000 pounds at a point even with the top of the underframe member to which it is attached. The attachments of these members at bottom shall be sufficient to develop their full shear value. If reinforcement is used to provide the shear value such reinforcement shall have full value for a distance of 18 inches up from the underframe connection, then taper to a point approximately 30 inches above the underframe connection.

(5) Strength of locking means of truck to unit body shall be not less than the equivalent of an ultimate shear value of 250,000 pounds.

Sec. 458. (a) Monthly inspection and repair report, Form No. 1-A, shall be as shown in Appendix A-1,¹ printed on a good grade of pale blue paper, size 6 by 9 inches.

(b) Daily inspection and repair reports, Forms Nos. 2-B and 2-C, shall be as shown in Appendix A-2.¹

(c) Specification, Form No. 4-A, shall be as shown in Appendix A-3,¹ size 8 by 10½ inches.

(d) Alteration report, Form No. 19-A, shall be as shown in Appendix A-4,¹ size 8 by 10½ inches.

¹Filed as part of the original document.

APPENDIX B—SPECIAL RULES OF PRACTICE APPLICABLE IN DOCKET EX PARTE No. 179

In addition to the general rules of practice, the following special rules will govern these proceedings.

1. *Submission of evidence in written form with affidavit attached.* The Commission desires that all evidence be submitted in written form with affidavits attached. Exhibits may be attached to the written statements, and such exhibits should conform to the General Rules of Practice, particularly to Rules 81 to 84 inclusive. All evidence of each witness that is submitted in exhibit form should, so far as practicable, be incorporated in a single exhibit. The written evidence, with or without exhibits attached, will be referred to as verified statements, and each verified statement will be assigned a serial number by the Commission.

2. *Evidence-in-Chief.* Evidence-in-Chief of all parties should be submitted in the form of verified statements as provided in paragraph 1. Such verified statements, with accompanying exhibit or exhibits, should be made available to the Commission by filing 25 copies thereof with the Secretary of the Commission on or before January 1, 1954. Copies of such verified statements of the railroads should be made available to the parties by mailing a copy to any person who duly makes a request therefor to R. L. Davis, Jr., General Counsel, Delaware, Lackawanna & Western Railroad Co., 140 Cedar St., New York 6, N. Y., on or before January 1, 1954. Parties other than the railroads will be expected to furnish the railroads with twenty-five (25) copies of all verified statements, such copies to be sent to R. L. Davis, Jr., at the address above specified, and to also furnish a copy thereof to any other party who may make a request therefor to the Secretary of the Commission on or before December 1, 1953. A list of the parties upon whom copies of verified statements should be served will be furnished the parties by the Secretary.

3. *Objections to evidence.* Notice of objections to receipt in evidence of any verified statement or any part thereof should be filed with the Secretary of the Commission on or before January 15, 1954. If the evidence is submitted on behalf of the railroads, a copy of the notice should be immediately mailed to R. L. Davis, Jr.; if the evidence is submitted on behalf of any other party, a copy of the notice should be immediately mailed to the witness or his attorney.

4. *Rebuttal evidence.* Evidence on rebuttal by any party must be designated as such, and filed with the Secretary of the Commission on or before February 1, 1954, even if the original evidence is objected to as provided in paragraph 3 hereof. Its presentation and distribution will be governed by the rules set forth in paragraphs 1 and 2 hereof.

5. *Cross-examination of witnesses.* If cross-examination of a witness is desired by any party written request therefor must be given to the Secretary of the Commission and to the witness, or his authorized attorney on or before February 1, 1954. The Commission will fix the time and place for cross examination.

6. *Record.* The evidence presented and admitted pursuant to the provisions of the foregoing paragraphs of these special rules shall constitute the entire record in these proceedings upon which decision will be made.

[F. R. Doc. 53-9357; Filed, Nov. 12, 1953; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

SMALL TRACT CLASSIFICATION ORDER NO. 25;
CORRECTION

NOVEMBER 3, 1953.

That part of the opening sentence of paragraph 7 of Arizona Small Tract Classification Order No. 25, dated October 27, 1953 (18 F. R. 6854) which reads "Commencing at 10:00 a. m. on October 27, 1953, and until 10:30 a. m. on December 1, 1953" is hereby corrected to read "Commencing at 10:00 a. m. on October 27, 1953, and until 10:00 a. m. on December 1, 1953".

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 53-9554; Filed, Nov. 12, 1953;
8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 6264, 6307]

ELLIS AIR LINES AND ALASKA COASTAL
AIRLINES; CERTIFICATE RENEWAL CASES

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled cases is hereby assigned to be held on December 1, 1953, at 9:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 9, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-9591; Filed, Nov. 12, 1953;
8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1890]

PUBLIC SERVICE CO. OF NORTH CAROLINA,
INC.

NOTICE OF FINAL DECISION

NOVEMBER 6, 1953.

Notice is hereby given that the Presiding Examiner's decision in the above-designated matter was issued and served upon all parties on October 5, 1953. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure said decision became effective on November 5, 1953, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9557; Filed, Nov. 12, 1953;
8:46 a. m.]

[Docket No. G-2138]

KANSAS-COLORADO UTILITIES, INC.

NOTICE OF FINAL DECISION

NOVEMBER 6, 1953.

Notice is hereby given that the Presiding Examiner's decision in the above-designated matter was issued and served upon all parties on October 5, 1953. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure said decision became effective on November 5, 1953, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9558; Filed, Nov. 12, 1953;
8:46 a. m.]

[Docket No. G-2273]

EAST TENNESSEE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

On October 12, 1953, East Tennessee Natural Gas Company (Applicant), a Tennessee corporation with its principal office near Knoxville, Tennessee, filed an application, and on October 26, 1953 a supplement to that application, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation in Morgan County, Tennessee, of certain natural gas interconnecting, metering and regulating facilities, for the purpose of delivering and selling natural gas to Russell Producing Company for distribution and resale to the public in Morgan and Scott Counties, Tennessee, all as more fully described in the application on file with the Commission and open to public inspection.

Due notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on October 29, 1953 (18 F. R. 6838-6839).

The Commission finds:

(1) It is appropriate, reasonable and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to hold a public hearing in the above-entitled proceeding at the time and place hereinafter ordered.

(2) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32(b)), Applicant having requested that its application be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings: *Provided, however*, That no request to be heard, protest or petition is filed raising an issue of substance.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15, and 16 of the Natu-

ral Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I), a public hearing be held commencing on November 13, 1953, at 9:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application herein: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 6, 1953.

Issued: November 6, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9565; Filed, Nov. 12, 1953;
8:47 a. m.]

[Docket No. G-2283]

PERMIAN BASIN PIPELINE CO.

NOTICE OF APPLICATION

NOVEMBER 6, 1953.

Take notice that on October 16, 1953, Permian Basin Pipeline Company (Applicant), a Delaware corporation with its principal office in Omaha, Nebraska, filed application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural gas pipeline facilities hereinafter described.

Applicant seeks authorization: (1) To construct and operate two additional 1320 horsepower compressor units and appurtenant facilities at its Spraberry Compressor Station; (2) to construct and operate additional measuring facilities at its Plains Measuring Station; and (3) to operate its 30-inch pipeline facilities, being constructed between its Spraberry Compressor Station and its Plains Measuring Station at the point of connection with El Paso Natural Gas Company facilities near Wasson, Texas, in the transportation of natural gas for the account of El Paso Natural Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of November 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9559; Filed, Nov. 12, 1953;
8:46 a. m.]

[Docket No. G-2285]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION

NOVEMBER 6, 1953.

Take notice that on October 21, 1953, United Fuel Gas Company (Applicant), a West Virginia Corporation, address, Charleston, West Virginia, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a natural-gas compressor station, to be known as Station X-59, to be located at Applicant's existing Storage Pool X-59 in Jackson County, West Virginia, and to consist of four 1100 horsepower gas engine driven compressor units, together with necessary foundations, piping, fitting, and auxiliary equipment.

Applicant proposes the construction and operation of said facility to enable it to operate its Storage Pool X-59 to maximum capacity through use of increased volumes of natural gas available for storage by Applicant from the "Pool Supply" of the operating companies of The Columbia Gas System, Inc., of which Applicant is one. Applicant estimates that the proposed facility will enable it to increase the ultimate total storage capacity of its Storage Pool X-59 by approximately 20,000,000 Mcf of natural gas. Applicant proposes to inject approximately 6,000,000 Mcf into its Pool X-59 during July and August, 1955, which will necessitate injection rates up to approximately 125,000 Mcf per day and require the construction and operation of the proposed facility.

The estimated total overall capital cost of the proposed facility is \$2,240,000, which Applicant proposes to finance from funds to be provided by its parent, The Columbia Gas System, Inc., which proposes to purchase notes and common stock of Applicant or to make capital contributions to Applicant as funds are required for the construction of facilities by Applicant, including the facility herein proposed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of November 1953. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 53-9560; Filed, Nov. 12, 1953;
8:46 a. m.]

[Docket No. G-2286]

ATLANTIC SEABOARD CORP. AND VIRGINIA
GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

NOVEMBER 6, 1953.

Take notice that on October 21, 1953, Atlantic Seaboard Corporation (Atlantic Seaboard), a Delaware corporation, and Virginia Gas Transmission Corporation (Virginia Gas), a Virginia Corporation, hereinafter sometimes referred to as

Applicants, both of which have their principal place of business at Charleston, West Virginia, filed a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 116.6 miles of 26-inch natural-gas transmission pipeline looping approximately 111.1 miles of Applicants' existing transmission facilities which extend eastward from their affiliate, United Fuel Gas Company's Cobb Compressor Station in Kanawha County, West Virginia together with (1) the installation of one additional 1100 horsepower gas engine driven compressor unit in Atlantic Seaboard's Cleveland Compressor Station, (2) the installation of two additional 1100 horsepower gas engine driven compressor units in Atlantic Seaboard's Lost River Compressor Station, and (3) the construction and operation of a new compressor station to be known as Station "Q", to be located at a point on Atlantic Seaboard's 20-inch pipeline in Baltimore County, Maryland, approximately 32 miles southwest from the Maryland-Pennsylvania state line, and to consist of one 1100 horsepower gas engine driven compressor unit and auxiliary structures and equipment.

Applicants propose, by means of said facilities, to increase the capacity of their combined pipe-line systems from an estimated present capacity of approximately 470,300 Mcf to an estimated capacity of approximately 556,700 Mcf of natural gas per day, thereby enabling Applicants to receive into their transmission systems available volumes of natural gas and to transport and deliver such volumes to Applicants' present wholesale customers during the maximum day of the 1954-55 winter period.

The estimated total overall capital cost of the proposed facilities is \$14,634,300, of which \$1,535,000 represents the estimated cost of additional compressor facilities, and \$13,099,300 represents the estimated cost of transmission facilities. Funds for financing such construction cost will be provided by Atlantic Seaboard's parent, The Columbia Gas System, Inc., which will provide the necessary funds for Atlantic Seaboard's construction direct to Atlantic Seaboard, and, through Atlantic Seaboard, will provide the funds necessary for the construction proposed by Atlantic Seaboard's wholly-owned subsidiary, Virginia Gas. The Columbia Gas System, Inc. proposes to purchase notes and common stock of Atlantic Seaboard, and Atlantic Seaboard proposes to purchase notes and common stock of Virginia Gas as funds are required by Applicants to meet construction costs.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of November 1953. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 53-9561; Filed, Nov. 12, 1953;
8:46 a. m.]

[Docket No. G-2292]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

NOVEMBER 6, 1953.

Take notice that on October 26, 1953, El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal office in El Paso, Texas, filed application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural gas pipeline facilities hereinafter described.

Applicant proposes the construction and operation of two taps and meter stations on its authorized 30-inch Permian-San Juan crossover line for sale and delivery of natural gas to Southern Union Gas Company for distribution and resale by the latter in and near the villages of Grants, Valencia County, New Mexico, and Tatum, Lea County, New Mexico.

Applicant estimates the cost of facilities at \$11,147 and proposes to finance their construction out of its available treasury funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of November 1953. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 53-9562; Filed, Nov. 12, 1953;
8:46 a. m.]

[Docket No. G-2294]

ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF APPLICATION

NOVEMBER 6, 1953.

Take notice that Algonquin Gas Transmission Company (Applicant), a Delaware corporation, with its principal place of business in Boston, Massachusetts, filed, on October 26, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following natural-gas facilities:

(1) 2,500 feet of 4-inch lateral pipe connecting Applicant's existing transmission line with proposed metering station at Suffern, New York.

(2) One 4" main line tap at metering station, Stony Point, New York, proposed in application of Rockland Light and Power Company, Docket No. G-2295.

(3) One 4" main line tap at proposed metering station, Suffern, New York.

(4) One 4" measuring and regulating station, Suffern, New York.

(5) One gas scrubber in connection with above station at Suffern, New York.

The facilities are proposed to be used to deliver a contract quantity of 5,000 Mcf of gas per day to Rockland Light and Power Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of November 1953.

Applicant requests that this matter be considered under the shortened hearing procedure provided for in § 1.32 of the rules of practice and procedure.

This application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9586; Filed, Nov. 12, 1953;
8:51 a. m.]

[Docket No. G-2295]

ROCKLAND LIGHT AND POWER CO.

NOTICE OF APPLICATION

NOVEMBER 6, 1953.

Take notice that Rockland Light and Power Company (Applicant), a New York Corporation, with its principal place of business in Nyack, New York, filed on October 26, 1953, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following natural-gas facilities:

(1) One metering and regulating station at the proposed connection with the Algonquin Gas Transmission Co. line at Stony Point, New York.

(2) Approximately 5,900 feet of 6-inch steel main connecting above station with Applicant's existing feeder main system.

The facilities are proposed to be used to receive natural gas from Algonquin Gas Transmission Co. for the purpose of augmenting Applicant's gas supply available for sale and delivery to its residential, commercial and industrial customers as well as to give Applicant greater flexibility of operation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of November 1953.

Applicant requests that this matter be considered under the shortened hearing procedure provided for in § 1.32 of the rules of practice and procedure. This application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9564; Filed, Nov. 12, 1953;
8:47 a. m.]

[Docket No. G-2296]

ARIZONA PUBLIC SERVICE CO.

NOTICE OF APPLICATION

NOVEMBER 6, 1953.

Take notice that Arizona Public Service Company (Applicant), an Arizona corporation, with its principal place of business in Phoenix, Arizona, filed on October 27, 1953, an application for an

order disclaiming jurisdiction, or in the alternative, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the operation of the following facilities:

(1) Approximately 10 miles of 4 inch pipe line known as the Buckeye Line constructed in 1948 in Maricopa County, Arizona, running from a connection at a tap point on the transmission line of El Paso Natural Gas Company to the regulating station at Buckeye, Arizona.

(2) Taps on said Buckeye Line.

(3) One regulating station just outside the corporate limits of Buckeye, Arizona.

The facilities are being used and will continue to be used to render gas service to industrial, commercial and residential customers in the area of the town of Buckeye and the unincorporated community of Liberty, Arizona.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of November 1953.

This application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9563; Filed, Nov. 12, 1953;
8:47 a. m.]

[Docket No. G-2302]

NATURAL GAS PIPELINE CO. OF AMERICA

ORDER SUSPENDING PROPOSED CHANGES IN RATE SCHEDULES AND FIXING DATE OF HEARING

On October 13, 1953, Natural Gas Pipeline Company of America (Natural) tendered for filing its Second Revised Sheets Nos. 5, 6, and 7, and First Revised Sheet No. 8, to its FPC Gas Tariff, First Revised Volume No. 1, proposing that such revised sheets become effective on November 13, 1953. Such revised sheets would effect an increase in rates of \$7,209,459, or 21.7 percent annually, based on adjusted sales for the twelve months ended July 31, 1953. The proposed annual increase is in addition to the amounts presently being collected under bond in Docket Nos. G-1967 and G-2083.

The increases proposed in said revised sheets are based almost entirely upon claimed increases of \$7,030,000 in the cost of purchased gas. Of the total, \$2,250,000 is attributable to increases in rates proposed by Colorado Interstate Gas Company which are under suspension in Docket No. G-2260 and \$1,020,000 from increases proposed by Texas Illinois Natural Gas Pipeline Company, also under suspension in Docket No. G-2219. The remaining \$3,760,000 is the estimated increase attributable to anticipated increased field prices, reduction in Natural's own production and field purchases due to anticipated lowering of gas production allowances in Texas, and termination of certain field purchase contracts.

In the proceedings in Docket Nos. G-1697 and G-2083, Natural proposed a revision of its rate structure tendering a two-block form of rate. Its so-called "First Block" would cover charges for firm volumes of gas theretofore contracted for and purchased by the customers. The "Second Block" rate would cover additional volumes of firm gas for which Natural proposed to charge the exact demand-commodity rate paid by it to its supplier, Texas Illinois Natural Gas Pipeline Company. The proposed two-block form of rate is presently in effect under bond in Docket Nos. G-1697 and G-2083.

By the tendered filing of October 13, 1953, Natural would increase the rates in the "First Block" of Rate Schedule CD-1 by \$5,903,685 and the "Second Block" of the Rate Schedule CD-1 and Rate Schedule I-1 by \$1,305,774.

Natural has requested that if the "First Block" increase be suspended that the suspension be for a maximum period ending March 3, 1954, and that the "Second Block" increase and Rate Schedule I-1 not be suspended beyond January 1, 1954, the dates when the respective increases proposed by Colorado Interstate in Docket No. G-2260 and by Texas Illinois in Docket No. G-2219 may go into effect subject to refund.

It is thus apparent that Natural's proposed increase in rates and charges, in large measure, rests upon claimed or anticipated increases in Natural's cost of purchased gas, which appear to be speculative and will not be incurred, if at all as of November 13, 1953, the proposed effective date of the revised tariff sheets.

The increased rates and charges proposed, therefore, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, and may place an undue burden upon the ultimate consumers of natural gas.

In accordance with the provisions of § 154.16 of the Commission's regulations under the Natural Gas Act, copies of the revised tariff sheets have been served upon each customer of Natural which would be affected thereby and the State Commissions concerned. To date seven customer companies and the State Commissions of Illinois and Wisconsin have filed their comments on the proposed filing. These included objections to some aspects of the proposed increase and to a suspension period of less than the statutory five month period.

It does not appear that suspension for a period of less than five months requested by Natural is justified.

The Commission finds:

1. It is necessary and proper in the public interest and in aid of the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing as hereinafter ordered, pursuant to the authority contained in section 4 of the act, concerning the lawfulness of Natural's FPC Gas Tariff, first revised Vol. No. 1, as proposed to be amended by Second Revised Sheets Nos. 5, 6, and 7, and first revised sheet No. 8, and that said revised sheets be suspended as hereinafter provided and the use

thereof be deferred pending hearing and decision thereon.

2. Natural's request that the Commission suspend the proposed increased rates for periods less than five months should be denied. The grant of the request is not in the public interest.

The Commission orders:

A. Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held commencing March 3, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications, and services contained in Natural's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be revised by Second Revised Sheets Nos. 5, 6, and 7, and First Revised Sheet No. 8.

B. Pending such hearing and decision thereon the revised sheets enumerated in paragraph (A) hereof be and the same are hereby suspended, and their use deferred until April 13, 1954, unless otherwise ordered by the Commission, and until such further time as said tariff sheets may be made effective in the manner prescribed by the Natural Gas Act.

C. Natural's request for suspension of the proposed increase for less than five months be and the same is hereby denied.

D. At the hearing, the parties, including Commission Staff Counsel, may reserve cross-examination until after Natural has presented and completed the case-in-chief.

E. On or before January 18, 1954, Natural shall serve upon all parties copies of the testimony and exhibits which Natural proposes to offer at the hearing, including five (5) copies upon Commission Staff Counsel.

F. Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 4, 1953.

Issued: November 6, 1953.

By the Commission,

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9555; Filed, Nov. 12, 1953;
8:45 a. m.]

[Docket No. G-2303]

HOPE NATURAL GAS CO.

ORDER SUSPENDING PROPOSED TARIFF
CHANGES, FIXING DATE OF HEARING, AND
SPECIFYING PROCEDURE

On October 9, 1953, Hope Natural Gas Company (Hope), pursuant to section 4 of the Natural Gas Act and the Commission's general rules and regulations, particularly Part 154 thereof (18 CFR Part 154), tendered for filing Seventh Revised Sheet No. 3-A, Eighth Revised Sheet No. 4, and Sixth Revised Sheet No. 20 to its FPC Gas Tariff, Original Volume No. 1, setting forth therein its proposed Rate

Schedules H-1B and H-2A, proposed to be made effective November 9, 1953, increasing Hope's rates and charges, subject to the Commission's jurisdiction under that act, for sales by Hope in interstate commerce of natural gas for resale for ultimate public consumption, to its six interstate wholesale customers.¹

The proposed tariff changes embody rate schedules containing increased rates and charges to Hope's interstate wholesale customers of approximately \$3,676,000 per year, based upon the Company's sales for the 12-months ended July 31, 1953, above the level of rates submitted in the "Proposed Settlement," which was accepted and made effective by the Commission's Opinion No. 262 and order, adopted on November 4, 1953, in the Matter of Hope Natural Gas Company, Docket Nos. G-2051 and G-2165.

Hope bases its proposed increase in rates and charges, among other things, upon a claimed increase in the cost of gas purchased from Tennessee Gas Transmission Company (Tennessee Gas) resulting from the proposed increased rates filed by Tennessee Gas on August 31, 1953. The Commission has, however, suspended Tennessee Gas' proposed increased rates and has ordered a hearing thereon, to commence on February 8, 1954. Order issued September 24, 1953, in the Matter of Tennessee Gas Transmission Company, Docket No. G-2252. Hope also relies upon other claimed increases in its cost of service, including, among other things, a rate of return of 6¾ percent and income taxes associated with the return computed at such rate upon the rate base claimed by Hope.

Copies of the aforesaid revised sheets to Hope's FPC Gas Tariff, Original Volume No. 1, and the supporting data submitted by Hope to the Commission, have been served upon Hope's wholesale customers as well as the State regulatory commissions involved, as required by the Commission's general rules and regulations.

Upon consideration of the aforesaid proposed revised tariff sheets tendered for filing on October 9, 1953, the data tendered in support thereof, and the Commission's order issued September 24, 1953, in Docket No. G-2252 with respect to the increased rates and charges proposed by Tennessee Gas, of which official notice is hereby taken, it appears that the increased rates, charges and services proposed by Hope in its aforesaid Seventh Revised Sheet No. 3-A, Eighth Revised Sheet No. 4, and Sixth Revised Sheet No. 20 to its FPC Gas Tariff, Original Volume No. 1, have not been shown to be justified, and may be unjust, unreasonable, and otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to

¹ Hope's interstate wholesale customers are: The Manufacturers Light and Heat Company (Manufacturers) and Mount Morris Gas Company (Mount Morris), non-affiliates; and, the East Ohio Gas Company (East Ohio), New York State Natural Gas Corporation (New York Natural), the Peoples' Natural Gas Company (Peoples), and the River Gas Company (River Gas), all of which, together with Hope, are subsidiaries of the Consolidated Natural Gas Company.

aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing, as hereinafter ordered, pursuant to the authority contained in section 4 of that act, concerning the lawfulness of the rates, charges, classifications, and services, or any of them, contained in Hope's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Seventh Revised Sheet No. 3-A, Eighth Revised Sheet No. 4, and Sixth Revised Sheet No. 20 thereto, and that said Seventh Revised Sheet No. 3-A, Eighth Revised Sheet No. 4, and Sixth Revised Sheet No. 20 be suspended as hereinafter provided, and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I), a public hearing be held, commencing on March 9, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications, and services, or any of them, contained in the aforesaid Hope Natural Gas Company's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Seventh Revised Sheet No. 3-A, Eighth Revised Sheet No. 4, and Sixth Revised Sheet No. 20 thereto.

(B) Pending such hearing and decision thereon, Hope's Seventh Revised Sheet No. 3-A, Eighth Revised Sheet No. 4, and Sixth Revised Sheet No. 20 to its FPC Gas Tariff, Original Volume No. 1, be and the same are hereby suspended and the use thereof deferred until April 9, 1954, unless otherwise ordered by the Commission, and until such further time thereafter as said proposed Seventh Revised Sheet No. 3-A, Eighth Revised Sheet No. 4, and Sixth Revised Sheet No. 20 may be made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing, the parties, including Commission Staff Counsel, may reserve cross-examination until after Hope has presented and completed its case-in-chief.

(D) Hope, on or before February 9, 1954, shall serve upon all parties copies of the testimony and exhibits it proposes to offer at the hearing, including five (5) copies upon Commission Staff Counsel.

(E) Interested State commissions may participate, as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 4, 1953.

Issued: November 6, 1953.

By the Commission,

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9556; Filed, Nov. 12, 1953;
8:45 a. m.]

OFFICE OF DEFENSE MOBILIZATION

Defense Rental Areas Division

DESIGNATION OF AREA RENT DIRECTOR

Leonard A. Skubal, of the Defense Rental Areas Division, Office of Defense Mobilization, Washington, D. C., is hereby designated as Area Rent Director for all Defense Rental Areas under the Housing and Rent Act of 1947, as amended.

Issued and effective this 5th day of November 1953.

GLENWOOD J. SHERRARD,
Director,

Defense Rental Areas Division.

[F. R. Doc. 53-9627; Filed, Nov. 10, 1953;
2:50 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-449]

LOS ANGELES INVESTMENT CO.

NOTICE OF APPLICATION TO WITHDRAW FROM
LISTING AND REGISTRATION, AND OF OP-
PORTUNITY FOR HEARING

NOVEMBER 6, 1953.

In the matter of Los Angeles Investment Company Common Stock, \$100 Par Value, File No. 1-449.

Los Angeles Investment Company, a California corporation, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to the Commission to withdraw its Common Stock \$100 Par Value, from listing and registration on the Los Angeles Stock Exchange.

The application includes, among others, the following allegations:

(1) On June 30, 1953, there were 21,381 shares of the above security outstanding in the hands of 1,275 shareholders.

(2) Applicant for a number of years has purchased shares of the above security out of earned surplus and restored said shares to the status of authorized but unissued shares, and has informed its shareholders of this in its annual reports.

(3) The total number of shares of the above security traded in "board lots" on the Los Angeles Stock Exchange for the last three and one-half years is as follows:

(a) During the year 1950, 230 shares were traded, of which 160 shares were purchased by applicant.

(b) During the year 1951, 400 shares were traded, of which 220 shares were purchased by applicant.

(c) During the year 1952, 95 shares were traded, of which 55 shares were purchased by applicant.

(d) During the first six months of the year 1953, 40 shares were traded, all of which were purchased by applicant.

(4) The price quotation for the above security on said exchange at the time of the above application, dated September 30, 1953, was: Bid \$420, Asked, no offering.

(5) Trading in the above security can be handled adequately on the over-the-counter market in Los Angeles, California.

(6) Applicant does not feel justified in continuing the expenses connected with having the above security listed and registered on a national securities exchange.

Upon receipt of a request, prior to December 18, 1953, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 53-9569; Filed, Nov. 12, 1953;
8:48 a. m.]

[File No. 1-3237]

ADOLF GOBEL, INC.

ORDER SUMMARILY SUSPENDING TRADING

In the matter of trading on the American Stock Exchange in the \$1.00 par value Common Stock of Adolf Gobel, Inc., File No. 1-3237.

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of November A. D. 1953.

The Commission by order adopted March 13, 1953, pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, having summarily suspended trading in the \$1.00 par value common stock of Adolf Gobel, Inc., on the American Stock Exchange for a period of ten days from that date, and subsequently having entered additional orders further suspending such trading in order to prevent fraudulent, deceptive or manipulative acts or practices; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on that Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder, for

any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, effective at the opening of the trading session on said Exchange on November 9, 1953, for a period of ten days.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 53-9567; Filed, Nov. 12, 1953;
8:48 a. m.]

[File No. 54-211]

CENTRAL PUBLIC UTILITY CORP.

NOTICE OF FILING OF AND ORDER GIVING
OPPORTUNITY FOR HEARING ON AMENDED
APPLICATION FOR APPROVAL OF A SECTION
11 (e) PLAN

NOVEMBER 6, 1953.

Notice is hereby given that on October 19, 1953 Central Public Utility Corporation ("Cenpuc"), a registered holding company, amended its application for an order approving a plan filed under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") and for an order granting Cenpuc and each company which is a subsidiary upon consummation of the plan an exemption pursuant to section 3 (a) (5) of the act. Holding Company Act Release No. 11898 (May 8, 1953) summarizes the exemption application and the plan as proposed prior to October 1953 and describes the companies in the Cenpuc holding company system directly affected by the plan. Briefly, the plan, as then proposed, provided for the distribution by Cenpuc to its stockholders of the reclassified stock of its wholly-owned subsidiary, Central Indiana Gas Company, the liquidation and dissolution of Central Natural Gas Corporation, a maintenance company and also a wholly-owned subsidiary of Cenpuc, and the merger into Cenpuc of its wholly-owned subsidiary, The Islands Gas and Electric Company ("Islands") which is an exempt holding company with four public-utility subsidiary companies incorporated and doing business outside the United States. After appropriate notice to the public and to all of Cenpuc's stockholders, public hearings were held on June 9, 1953, in respect of Cenpuc's application; no findings, opinion or order have been issued by the Commission to date in respect of said application.

All interested persons are referred to the application, as amended, which is on file at the offices of this Commission. The application, as amended, changes the section 11 (e) plan so that it no longer provides for the merger of Islands into Cenpuc. In addition, it withdraws

the request for an exemption of the applicant pursuant to section 3 (a) (5) of the act and the request that the Commission apply to an appropriate United States District Court for an order approving the plan and directing that it be enforced. Otherwise, the plan, as amended, is substantially the same as summarized in Holding Company Release No. 11898.

On June 13, 1952, the Commission, pursuant to section 11 (b) (2) of the act ordered that Cenpuc "take appropriate steps to terminate the existence of" certain system companies including Islands. It is stated by Cenpuc that it has complied with this order except that Islands has not been eliminated. The record contains a statement by Cenpuc that, upon effectuation of the amended plan, it contemplates retaining its then existing operating companies and that on or about December 1, 1953, it intends to file an application seeking an order modifying the section 11 (b) (2) order of June 13, 1952, by eliminating therefrom the references to Island and granting Cenpuc and each company which is a subsidiary an exemption from the provisions of the act under section 3 (a) (5) of the act.

It is ordered, That any interested person may, not later than November 20, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on said amended application of Cenpuc, stating therein the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted or submitted for consideration at any such hearing. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 20, 1953, the Commission may approve the amended section 11 (e) plan of Cenpuc.

By the Commission.

[SEAL]

NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 53-9570; Filed, Nov. 12, 1953;
8:48 a. m.]

[File Nos. 70-3110, 70-3112]

INTERSTATE POWER CO. AND WISCONSIN
POWER AND LIGHT CO.

ORDER AUTHORIZING NON-AFFILIATED HOLD-
ING COMPANIES TO SELL AND ACQUIRE
COMMON STOCK OF A PUBLIC UTILITY
COMPANY

NOVEMBER 6, 1953.

In the matter of Interstate Power Company, File No. 70-3112; Wisconsin Power and Light Company, File No. 70-3110.

Interstate Power Company ("Delaware"), a registered holding company, having filed a declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-44 promulgated thereunder, and Wisconsin Power and Light Company ("Wisconsin"), a non-affiliated exempt holding company, having filed an appli-

cation and amendments thereto pursuant to sections 3 (a) (2), 9 (a) and 10 of said act proposing transactions summarized as follows:

Wisconsin proposes to purchase from Delaware and Delaware proposes to sell to Wisconsin as of April 30, 1953, pursuant to contract dated June 22, 1953, all the outstanding capital stock (16,274 shares) being all the outstanding securities of Interstate Power Company of Wisconsin (herein called "Interstate") a Wisconsin corporation and a utility subsidiary of Delaware. The agreed purchase price is \$2,359,730 (\$145 per share), subject to certain adjustments provided for in the contract, and is payable in cash on the closing date, which is to be within 30 days after all required regulatory commission approvals or authorizations are received. Under the terms of the contract the seller will be entitled to all net profits of Interstate earned during the period from April 30, 1953, to the closing date. Interstate, a wholly owned subsidiary of Delaware, owns and operates electric utility properties in three counties in extreme southwestern Wisconsin. Its service area adjoins that of Wisconsin and its properties are interconnected with those of Wisconsin. It is a public utility as defined in the laws of Wisconsin and also a public utility as defined in the Federal Power Act. Wisconsin owns no stock or other interest of any kind in Delaware and no affiliation of any kind exists between them.

As soon as reasonably possible after the acquisition of the stock of Interstate, Wisconsin proposes to merge the properties and assets of Interstate, with those of Wisconsin, the sole purpose of the proposed purchase of the stock being the acquisition by Wisconsin of the properties of Interstate. The acquisition by Wisconsin of the physical and other assets of Interstate through merger or otherwise, will be subject to the jurisdiction of both the Public Service Commission of Wisconsin and the Federal Power Commission. Both of those commissions exercise jurisdiction over the accounting of Wisconsin, and the accounting entries to be made on the books of Wisconsin with respect to the acquisition of the property of Interstate will be in conformity with the orders of those commissions. Wisconsin requests that the order of this Commission contain no provision as to the accounting with respect to the proposed purchase since Wisconsin is required to comply with the orders of the Federal Power Commission and the Public Service Commission of Wisconsin.

Wisconsin is a holding company as defined in the act but has been exempted by order therefrom pursuant to section 3 (a) (2). Upon acquisition of the stock of Interstate, Wisconsin will also be a holding company with respect to Interstate, but for a temporary period. For the 12 months ended April 30, 1953, the gross operating revenues of the subsidiaries of Wisconsin, after giving effect to the proposed acquisition of Interstate, and elimination of intercompany transactions, would have been equivalent to approximately 6.3 percent of the operating revenues of Wisconsin. Thus, Wis-

consin will continue to be predominantly a public utility company whose operations as such do not extend beyond the State of Wisconsin in which it is organized, and a state contiguous thereto.

The stock of Interstate is presently subject to the respective liens of the First Mortgage Indenture, as supplemented, of Delaware to The Chase National Bank of the City of New York and Carl E. Buckley, as Trustees, securing its outstanding First Mortgage Bonds, and of the Debenture Indenture of Delaware to Manufacturers Trust Company and Frederick E. Lober, as Trustees, securing its outstanding Debentures. It is anticipated that Delaware will simultaneously with consummation of the proposed sale secure the release of the shares being sold from the liens of said Indentures and pledge gross property additions under the indentures in lieu of depositing with the Corporate Trustee under the First Mortgage Indenture any of the cash proceeds of the sale.

Delaware has determined to carry out a program of sale and disposition of its two wholly owned subsidiaries, Interstate and East Dubuque Electric Company, an Illinois corporation, so as ultimately to terminate its status as a holding company. The proposed sale of the stock of Interstate is stated to be the first step in the accomplishment of this program.

The net proceeds from the sale of the Interstate stock will be applied by Delaware to the acquisition and construction of electric utility additions to its electric system.

Said application-declaration, as amended, having recited that no State commission or any other Federal commission has jurisdiction over the proposed transactions, other than the Public Service Commission of Wisconsin, which has jurisdiction over, and has by order approved, the acquisition by Wisconsin of the common stock of Interstate:

Delaware having stated that its expenses to be incurred by it in connection with the proposed transactions will amount to \$8,550, which includes legal fees of \$4,500, and Wisconsin having estimated that its expenses will be only nominal:

Delaware having requested that the Commission's order herein make the necessary findings and contain the recitals required by Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, with respect to certain of the proposed transactions, and that the order become effective upon its issuance:

Wisconsin having applied for exemption pursuant to section 3 (a) (2) of the act from all provisions of the act applicable to holding companies which otherwise would be applicable to it upon its acquisition of the stock of Interstate:

Due notice having been given of the filing of the application-declaration and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, that no adverse findings are necessary with re-

spect thereto, and that compliance with paragraphs (b) and (c) of Rule U-50 promulgated under the act is not necessary or appropriate in the public interest or for the protection of investors or consumers to assure the maintenance of competitive conditions, the receipt of adequate consideration or the reasonableness of the fees or commissions to be paid with respect to the sale of said securities, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, and said application as amended, be permitted to become effective and be granted, effective forthwith, subject to the terms and conditions contained in Rule U-24.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act:

(1) That the declaration filed by Delaware be, and it hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24;

(2) That the application, as amended, filed by Wisconsin regarding the acquisition of the stock of Interstate be, and it hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24;

(3) That the application filed by Wisconsin requesting exemption from all provisions of the act applicable to holding companies which otherwise would be applicable to it upon its acquisition of the stock of Interstate be, and it hereby is, granted.

It is further ordered and recited, And the Commission finds, that the sale by Interstate Power Company of the 16,274 shares of capital stock of Interstate Power Company of Wisconsin of the par value of \$100 per share to Wisconsin Power and Light Company and the expenditure of the proceeds (or an amount equal thereto) to be received from said sale by Interstate Power Company for the acquisition by Interstate Power Company of the following utility assets, to-wit: 161 kv transmission lines from Heron Lake, Minnesota to Luverne, Minnesota; from Winnebago, Minnesota to the Fox Lake, Minnesota power plant of Interstate Power Company; and from Albert Lea, Minnesota to Winnebago, Minnesota together with all necessary substations and switching equipment, all as set forth in the declaration, as amended, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 within the meaning of sections 371, 373 and 1808 (f) of the Internal Revenue Code, as amended, and jurisdiction is hereby reserved to amend, supplement, or modify, upon the petition or application of Interstate Power Company, the recitals, itemizations and specifications required by Supplement R of the Internal Revenue Code, as amended, with respect to the above-described transactions.

By the Commission.

[SEAL] Nellye A. Thorsen,
Assistant Secretary.

[F. R. Doc. 53-9568; Filed, Nov. 12, 1953;
8:48 a. m.]

[File No. 70-3145]

ATTLEBORO STEAM AND ELECTRIC CO. ET AL.

NOTICE OF FILING REGARDING ISSUE AND SALE OF SHORT TERM UNSECURED PROMISSORY NOTES TO BANKS AND TO PARENT COMPANY

NOVEMBER 5, 1953.

In the matter of Attleboro Steam and Electric Company, Haverhill Electric Company, the Lowell Electric Light Corporation, Weymouth Light and Power Company, Worcester County Electric Company, New England Electric System, File No. 70-3145.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its above named subsidiary companies, hereinafter individually referred to as "Attleboro", "Haverhill", "Lowell", "Weymouth", and "Worcester" and collectively referred to as "the borrowing companies", have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the act"). The borrowing companies have designated sections 6 (a), 7, 9 (a), 10 and 12 (f) of the act and Rules U-23, U-42 (b) (2), U-43 (a), U-45 (b) (1) and U-50 (a) (2) and (3) promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Lowell and Worcester proposes to issue to banks, from time to time but not later than December 31, 1953, unsecured promissory notes in the respective amounts of \$200,000 and \$3,500,000. Attleboro, Haverhill and Weymouth propose to issue to NEES, from time to time but not later than December 31, 1953, unsecured promissory notes in the respective amounts of \$75,000, \$100,000 and \$150,000.

Each of such notes to be issued to NEES will mature on April 1, 1954, and each of the notes to be issued to banks will mature six months after the issue date thereof. Such notes will bear interest at the prime rate of interest at the time of the issuance thereof. It is stated that said prime interest rate at the present time is 3¼ percent.

According to the application-declaration, the proceeds derived from the proposed additional notes will be used for the payment of note indebtedness and construction and other purposes.

Each of the borrowing companies has stipulated that if any permanent financing is done prior to the maturity date of its then outstanding unsecured promissory notes, the proceeds derived therefrom will be applied in reduction of, or in total payment of, notes then outstanding, and the amount of then authorized but unissued promissory notes will be reduced by the amount, if any, by which such permanent financing exceeds the amount of the then outstanding unsecured promissory notes. At the present time Worcester has pending before the Commission an application-declaration (identified by File No. 70-3135) in which it seeks authority to issue 75,000 shares of \$100 par value cumulative preferred stock (see Holding Company Act Release No. 12177). Worcester has stipulated that if said sale of preferred stock is approved by the Commission and the proceeds therefrom

are available prior to November 30, 1953, Worcester will relinquish all right to issue the \$3,500,000 of notes proposed in the instant application-declaration.

The application-declaration states that incidental services in connection with the proposed note issues will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed \$100 for NEES and each borrowing company, or an aggregate of \$600.

The application-declaration further states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEES and the borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than November 16, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his request, the reasons for such request and the issues of fact or law, if any, raised by the said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after that date, said application-declaration, in whole or in part and as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration which is on file in the offices of the Commission for a statement of the transaction therein proposed.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 53-9571; Filed, Nov. 12, 1953;
8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28622]

BRICK FROM LOCHER, VA., TO MISSISSIPPI
VALLEY TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Brick and related articles, carloads.

From: Locher, Va.

To: Points in Kentucky, Louisiana, Mississippi and Tennessee named in ex-

hibit A of the application and points grouped therewith.

Grounds for relief: Rail carriers, circuitry, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1278, supp. 40.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9579; Filed, Nov. 12, 1953;
8:50 a. m.]

[4th Sec. Application 28623]

LIQUEFIED PETROLEUM GAS FROM SOUTHWEST TO CELINA, OHIO

APPLICATION FOR RELIEF

NOVEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Liquefied petroleum gas, in tank-car loads.

From: Points in Southwest including Kansas and New Mexico.

To: Celina, Ohio, and intermediate points.

Grounds for relief: Rail competition, circuitry, to maintain grouping, and to maintain rates prescribed in docket 30602, 288 I. C. C. 797.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3651, supp. 326.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief

is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9580; Filed, Nov. 12, 1953;
8:50 a. m.]

[4th Sec. Application 28624]

IRON AND STEEL ARTICLES FROM ILLINOIS TERRITORY TO THE SOUTH

APPLICATION FOR RELIEF

NOVEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Iron and steel articles, carloads.

From: Points in Illinois territory.

To: Points in southern territory.

Grounds for relief: Rail competition, circuitry, market competition, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 793.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9581; Filed, Nov. 12, 1953;
8:50 a. m.]

[4th Sec. Application 28625]

MOTOR-RAIL RATES BETWEEN BOSTON, MASS., PROVIDENCE, R. I., AND HARLEM RIVER, N. Y., ELIZABETH AND EDGEWATER, N. J.; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

NOVEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company, and H. W. Taynton Co., Inc.

Involving: Semi-trailers, loaded or empty, on flat cars.

Between: Boston, Mass., and Providence, R. I., on the one hand and Harlem River, N. Y., Elizabeth and Edgewater, N. J., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9582; Filed, Nov. 12, 1953;
8:50 a. m.]

[4th Sec. Application 28626]

GROUND OR PULVERIZED MARBLE OR LIMESTONE FROM CARTERSVILLE, GA., TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

NOVEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The St. Louis-San Francisco Railway Company for itself and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1315, pursuant to fourth-section order No. 16101.

Commodities involved: Limestone or marble, ground or pulverized, carloads.

From: Cartersville, Ga.

To: St. Louis, Mo.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of

temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9583; Filed, Nov. 12, 1953;
8:50 a. m.]

[4th Sec. Application 28627]

SULPHATE OF COPPER FROM COPPERHILL,
TENN., TO LYNDONVILLE, N. Y.

APPLICATION FOR RELIEF

NOVEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below. Commodities involved: Copper, sulphate of (blue vitriol), carloads.

From: Copperhill, Tenn.

To: Lyndonville, N. Y., and points taking same rates.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-800, supp. 211.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9584; Filed, Nov. 12, 1953;
8:50 a. m.]

[4th Sec. Application 28628]

IRON AND STEEL ARTICLES FROM SOUTHERN
ILLINOIS AND INDIANA TO SOUTHERN
TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below. Commodities involved: Iron and steel articles, carloads.

From: Points in Southern Illinois and Indiana.

To: Points in southern territory.

Grounds for relief: Rail competition, circuitry, market competition, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1258, supp. 48.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9585; Filed, Nov. 12, 1953;
8:50 a. m.]

